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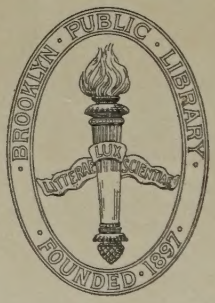

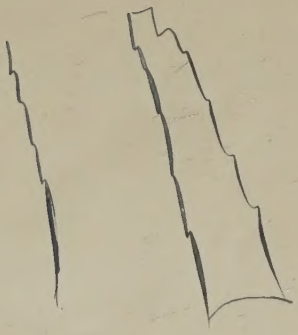

HOME RULE PROBLEMS

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PREFACE

THE policy of Home Rule for Ireland occupies a very different position to-day from that of 1886 or 1893. The question is no longer one of social order. Ireland has developed and is developing, and she is showing, alike in agricultural and industrial business, and in local government, real capacity for managing her own affairs. She has never been as prosperous and rarely as quiet as in this year.

But there is none the less present evidence of profound dissatisfaction in Ireland with a system of government centralised at Westminster. Discontent with it has spread even to the Unionist party, and, by an undiminished majority, the representatives of Ireland in the House of Commons condemn it. Moreover, a new phase of the case has developed. It is now plain that if the Imperial Parliament is to be efficient for the discussion and control of affairs of Imperial magnitude, such as Foreign Relations and Defence, it must be relieved of much local business. This can be accomplished only by way of devolution.

The case for Home Rule for Ireland is thus very strong to-day, stronger in reality than it has ever been before, for the situation is not one which

excites fear for minorities such as prevailed in former days. The voice of the old-fashioned and narrow-minded objector is not still but is less loudly heard. Under these circumstances the problem has become practical and urgent, and the success of land purchase and the diminution of oppressive poverty are rapidly making the conditions of solution free from complication.

In the papers in this book there is much variation of view as to the methods of solution. This does not detract from the usefulness of the book. There is no doubt as to the value of the end to be attained. The divergence of opinion concerns only the means, and as to the various methods there cannot be too much discussion if mistakes are to be avoided. Because the book is informing to the public, and contains the views of thoughtful minds on the modes of approach to a goal on which there is now increasing convergence of effort, I venture to write these few words of approval.

HALDANE.

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HOME RULE PROBLEMS

CHAPTER I

INTRODUCTORY

By Basil Williams

In the early spring of this year a small committee was formed of men keenly interested in the principle of Home Rule for Ireland, with the object of collecting information bearing on that subject, and of considering difficulties that must be faced in drafting a Home Rule Bill.

The following were members of this committee :—

F. D. Acland, M.P.	Sir Alexander Lawrence, Bt.
J. C. Arnold	Frank MacDermot
G. F.-H. Berkeley	Professor J. H. Morgan
C. Roden Buxton	R. C. Phillimore
Lord Charnwood	J. M. Robertson, M.P.
Erskine Childers	R. W. Seton Watson
Bertram Christian	Kenneth Swan
W. M. Crook	Charles Trevelyan, M.P.
E. A. Digby	H. de R. Walker
G. P. Gooch	Basil Williams
Rev. J. O. Hannay	J. F. Williams

This committee has held fourteen meetings, at which papers have been read and discussed. Since a Home Rule Bill seems likely to be the chief subject of political

interest next year, we are publishing a selection of these papers together with two contributed by sympathisers not actually members of the committee, hoping thereby to stimulate discussion and help others in the same way that we have been helped ourselves to a clearer idea of the reasons why Home Rule is necessary and what sort of Home Rule it should be.

A consideration which influenced us in our meetings and in our desire to publish this volume has been the belief that it is the duty of all anxious for a Home Rule policy to make up their minds beforehand on the important details of the measure. The last two Bills were killed largely by the attacks made on details : we must not be caught napping once more. Some would have us wait till the Government have produced their Bill, but that might be too late. On such matters the views of the country always prevail in the long run : it is better that such views should be evoked beforehand, not afterwards, especially in regard to acute points of controversy. Moreover, the impetus to carry through Home Rule will be far greater if an interest in its details has been previously aroused by widespread consideration and discussion.

It will be noted that the contributors to this volume, while in agreement on the principle of Home Rule, are not all at one on its details. As a natural consequence, it follows that each of us is responsible only for his own signed chapter. Some of us, for example, desire more complete financial autonomy for Ireland than others ; some would exclude, others include Irish members in the Parliament at Westminster ; nor are we all agreed on the merits of proportional representation as a safeguard for the rights of minorities. But we have not hesitated to set forth our differences of opinion, believing that in the preliminary stages of the discussion all the *pros* and *cons* should be considered. Moreover, in common with all Home Rulers we feel that great as may be the objections to any particular mode of Home Rule, the evils of the present system

far outweigh them, and that though one may prefer one solution, another another, yet even an inferior solution would be better than the loss of the great object—self-government for Ireland consistent with the essential unity of the Empire.

It has been cast in the teeth of Home Rulers that the difficulty of elaborating a scheme not open to objections from one quarter or another is a fatal argument against the principle they advocate. This suggestion underlies the whole argument of Professor Dicey's "England's Case against Home Rule," one of the few illuminating criticisms not only of the 1886 Bill but of Home Rule altogether. The same line was habitually taken by the opponents of the 1886 and 1893 Bills in Parliament. Mr. Balfour even went so far as to declare that the difficulty of choosing between the various plans for dealing with Irish representation was "a conclusive argument against the whole scheme of which one or other of the plans in question must necessarily form a part."

We do not hold this view. The opponents of a measure naturally are glad enough to magnify any objectionable detail into a fatal obstacle to the whole scheme, but the validity of this view depends wholly on our sense of the relative importance of things. To those who believe that some terrible evil will result to the Empire from, let us say, the inclusion or exclusion of the Irish members, we would all, whatever our particular views on this question may be, answer in the spirit of Lord Chatham's noble language about America: "You will restore Ireland to our bosom and unity to this great Empire not by this or that detail in an Act of Parliament, but by repealing her fears and her resentments: you may then hope for her love and gratitude. Mercy cannot do harm: it will seat the King where he ought to be, throned in the hearts of his people."

And so we state frankly the different points of view which have emerged in our discussions, in the hope that the statement of them may make it easier for

others interested in Home Rule to draw their own conclusions.

Our chapters may be roughly divided into those dealing with the present state of Ireland and Irish government, which seems to us to afford one of the best arguments for Home Rule, and those making suggestions for the constructive policy of the future. On the historical side we have Mr. Gooch's paper tracing briefly the course of the agitation for Home Rule, which in some form or other has continued persistently since the Union. Next Mr. Ryan breaks new ground for most Englishmen by his account of the work achieved in Ireland within recent years by the Gaelic League, of which he is a prominent member, as well as by the Sinn Fein party. The signs of a vigorous national awakening resulting from this work and from Sir Horace Plunkett's movement are not the least encouraging augury of Ireland's success in undertaking responsibility for her own affairs. Mr. Berkeley describes the present extraordinary system of governing Ireland by sixty-seven boards, of which few are in any way representative, none entirely so, while scarcely any are directly responsible to Parliament: a system such as we in England would not tolerate for a day. Mr. Glynn, on the other hand, describes the success which has attended the Irish people's experiment with representative institutions in the County and District Councils. Mr. Walker calls attention to the frequency with which, in spite of the Union, separate legislation is found necessary for Ireland as such; from which the natural conclusion is drawn that, if Ireland requires so much separate legislation, it would be better done entirely by men best acquainted with Irish conditions. Mr. Childers throws light on the very abstruse and important subjects of the existing land system and land laws, and "Martin Doul," after tracing the influence of systems of government on Irish commerce and industry, gives good reason for believing that those important elements of national

well-being will prosper rather than deteriorate under self-government. Lastly, the religious problem and the fears of clerical domination, of which much capital will no doubt be made during the next few months, are discussed by Mr. Hannay, an Irish Churchman, who has spent all his life in Ireland.

Before glancing at our constructive suggestions it is well to lay down what seem to us the essential principles on which the Home Rule question should be settled. The various contributors to this volume, while not entirely agreeing as to the means of giving effect to them, are unanimous as to the principles themselves.

1. We believe that Ireland should be given as large a measure of self-government as is compatible with the preservation of imperial unity.

We are quite aware that this formula includes diverse forms of Home Rule. Some of us would be prepared to go a considerable way on the general lines of colonial self-government with certain important restrictions as to powers of naturalisation, defence, and matters affecting the interests of the minority, in the belief that not only will Ireland have a better chance of governing herself wisely if she has a fairly complete sense of responsibility, but also that trust and affection for the rest of the Empire will thereby be most effectively fostered. This, it may be noted, is the form of Home Rule which Professor Dicey regarded as least open to objection. Others would prefer more limitations with regard to finance, for example, and parliamentary representation, partly in the hope of allaying the fears of those oppressed by the bogey of separation.

2. We all agree that certain safeguards of the rights of minorities and existing officials should be incorporated in the Bill, not from any fear of the rapacity or injustice of Irishmen, otherwise we should not be so anxious for Home Rule ; but because we sincerely appreciate, while not sharing, the fears of Irish Unionists, and think it only right that everything should be done to remove their suspicions.

3. The settlement should be final in the sense of satisfying the legitimate grievances of Ireland so far as control over her own legislation and administration is concerned. Naturally, it need not and cannot be final in the sense of precluding Great Britain and Ireland from agreeing to revise the settlement in order to facilitate Home Rule All Round.

But, although several of our writers, and notably Professor Morgan, have not lost sight of this question of Home Rule All Round and of how far the Bill for Ireland should be adaptable to other parts of the United Kingdom, still we do not deal with it specifically, for two reasons. While anxious for a scheme of devolution applicable to all parts of the United Kingdom, we feel strongly that Ireland has such special claims—claims, too, which she has advanced with more earnestness than any other part of the United Kingdom—that her case must be considered apart and on its own merits. Moreover, there is some danger that too ambitious a scheme of Home Rule All Round at the outset might wreck the chance of obtaining any Home Rule at all. Naturally in all future Home Rule discussions the interesting and suggestive Bill for a Scots Parliament recently introduced by a group of Scottish members will not be lost sight of or ignored. But although we believe Ireland should have Home Rule first, that is no reason why a federal system should not afterwards be evolved. Some of us, on the contrary, believe—if we may judge from such precedents as those of Canada and South Africa—that you will never get a lasting form of federation or of union unless the component parts of the Union enter it as free agents instead of as instruments of a scheme imposed from above.

4. The settlement should be generous financially. Given that Home Rule is desirable, we feel that England can well afford to grant it in no niggling spirit, but launch it fairly with an adequate and potentially increasing revenue.

Our first chapter of suggestions for the future is

by Professor Morgan, who takes up and answers some weighty objections to the principle of Home Rule made by Professor Dicey and others, and proceeds to analyse the value of certain precautions and safeguards introduced into Gladstone's Bills with the object of securing imperial unity. We next come to four chapters dealing with the two questions of the retention or exclusion of Irish members and the control of finance, which appear to us cardinal points on which any future Home Rule Bill must principally turn. Moreover, the solutions of these two problems depend largely on one another. If any revenues of Ireland are determined by the Imperial Parliament it seems only just that Irish members should be present in the House of Commons ; on the other hand, if Ireland has autonomy in finance as well as in legislation there seems considerably less reason why Irish members should have a voice in English laws and taxes. On finance, difficult to understand and likely to be one of the thorniest subjects of debate in connection with any Home Rule Bill, we have three chapters : one by Mr. Roden Buxton, who takes a general survey of the present position and of the various possible schemes of settlement, inclining himself to financial autonomy ; another by Mr. MacDermot, a vigorous advocate for the same solution ; and a third by Mr. Phillimore, who would allow even less financial liberty to an Irish Parliament than Mr. Gladstone. On the question of representation at Westminster the editor advocates total exclusion as a corollary of the financial autonomy he supports, though, in case that scheme is not adopted, he also suggests an alternative method for including Irish members in numbers roughly proportionate to what would be their interest in the discussions at Westminster. Lastly we have chapters from Mr. Arnold on Ulster objections to Home Rule and how they are to be met, and from Mr. J. F. Williams on proportional representation as a safeguard for minorities, and a short bibliography for students of Home Rule by Mr. J. M. Robertson, M.P.

Although not authorised by the committee, for the reasons already given, to put forward a definite scheme of Home Rule on their behalf, I have, in consultation with Mr. Buxton, ventured to put down tentatively a few heads of a Bill on which some of us who believe in a wide measure of self-government would agree.

Suggested Heads for a Home Rule Bill.

I. An Irish Parliament to be constituted with powers of legislation in matters solely affecting Ireland.

II. *Constitution of Irish Parliament.*

(*a*) Senate of 48 members—12 members to be elected by the parliamentary electors of each Province for 8 years by a proportional representation system.

(*b*) Lower House.—For the first Parliament, the same constituencies and the same electors as now return members to Westminster to elect the same number of members. (Total, 103.)

(*c*) In any case of dispute between the two Houses, the Senate and Lower House to sit, deliberate, and vote together.

III. The Irish Parliament to have power to alter the present constituencies and franchise provided that (i.) no one at present entitled to a vote (except University graduates as such) shall be disfranchised, and (ii.) that the Senate shall be increased proportionately to any increase of the Lower House.

IV. *Powers of Irish Parliament.*

Full powers of legislation on exclusively Irish affairs.

Irish Parliament specifically precluded from legislating on the following matters :—

1. The Crown or a Regency.
2. The Navy or Army.
3. Treaties or relations with foreign States.
4. Dignities, &c.
5. Treason, aliens, naturalisation.

6. Coinage and the law of negotiable instruments.
7. Trade marks, patents, copyright.

Nor may it

1. Impose any form of religious disability or religious preference or establish any religion in Ireland.
2. Impose any disability or confer any privilege on persons on account of their parentage or place of birth, or on corporations on account of the place where their business is carried on.
3. Impose any discriminating tariff against British goods.

The procedure of Money Bills to be as in the House of Commons, except that the provisions of the Parliament Act are unnecessary owing to II. (*c*) above. Moreover, the Senate, as being popularly elected and as a guardian of the rights of minorities, to have the power of amending Money Bills.

V. *The Royal Assent* to Irish Bills to be given by the Lord-Lieutenant on the advice of the Irish Ministry, with power of reservation to the King in Council (*i.e.*, the British Ministry) in certain specified cases, among others :—

1. Any alteration of this Act.
2. Factory legislation.
3. Laws affecting criminal procedure.

The King in Council also to have the power to veto any Bill already assented to by the Lord-Lieutenant within six months.

VI. *Representation in the Imperial Parliament.*

Alternative suggestions :—

(*a*) None at all, if Ireland granted financial autonomy, until a complete Federal System for the United Kingdom has been set up.

(*b*) 35 members to be elected by grouped constituencies of Ireland, if Ireland is financially dependent.

VII. *Executive Authority.*

The Lord-Lieutenant to be in the position of a colonial governor and to be paid out of the Irish Consolidated Fund.

An Irish Ministry to be responsible to the Irish Parliament.

VIII. *Judicial System.*

Judges to be appointed by the Irish Ministry (safeguards for existing rights to be inserted), and only removable on a joint address of both Houses of the Irish Parliament.

Appeals to be carried to the Privy Council.

IX. *The Police and other Government Officials in Ireland.*

To be controlled by the Irish Ministry, with safeguards for existing rights as in the Bill of 1893. Great Britain to exercise a power of inspection over the police as long as she contributes to its maintenance.

X. *Finance.*

Alternative schemes.

(*a*) Financial Autonomy.—Ireland to impose and collect her taxes. Great Britain to pay half the present cost of police for, say, five years, or until it can be reduced to proportions more suitable to the size and population of Ireland.

Ireland to take over the obligation of the debt incurred under the Land Acts with a guarantee from Great Britain (as in the case of part of the Transvaal Loan).

Great Britain to make an annual grant of £1,000,000 for a limited period to give Ireland a fair start and as compensation for past over-taxation revealed by the Financial Relations Commission.[1]

(*b*) Ireland to impose and collect direct taxation.

[1] This amount is not so alarming as it may seem at first blush, since, according to the Treasury, we are *now* subsidizing Ireland by a larger sum (see Mr. Buxton's chapter, p. 131).

The Imperial Parliament to impose customs and excise.
Imperial officials to collect the customs.
Irish officials to collect the excise.
All proceeds of Irish taxes, whether direct or indirect, to be paid over to the Irish Exchequer as collected.
In this case Great Britain temporarily to pay half the present cost of police and to guarantee the Land Acts debt as under (*a*).

I am quite ready to admit that even with the second alternatives under the headings *Representation* and *Finance* this proposal is for a more complete form of self-government than has hitherto been offered to Ireland.

The reason I would suggest for such a proposal is that if you are to trust the Irish with Home Rule at all it is better to trust them generously than in a half-hearted way, which is likely to foster a feeling of dissatisfaction and weaken the feeling of responsibility. More detailed reasons for some of the wide powers here advocated are to be found in Mr. Buxton's, Mr. MacDermot's, Mr. Childers's, and my own chapters.

There are two principal dangers which are most feared by anti-Home Rulers.

1. *Separation.*—As to that no serious Irish politician desires it ; and, even if it were desired, Ireland would be powerless against the armed forces of the United Kingdom. Moreover, legal safeguards under any form of Home Rule are no protection against separation. If separation is seriously feared, that seems to me as much an argument against one system as another.

2 *Unfair Treatment of Unionists or Protestants.*—I think the principal safeguard against this is the desire of the Nationalists to make Home Rule a success. This could never be if the minority containing some of the

most strenuous, most enterprising, and richest citizens of Ireland were permanently set against the new constitution.

But certain safeguards have also been introduced, which, while they would have little value, if there were an overmastering desire in Ireland for separation, would be perfectly effective if the Irish, as we feel convinced, had no intention of breaking away from Great Britain.

The constitution of the Senate and its election by proportional representation should ensure a full representation of the minority in all parts of Ireland.

Laws oppressive to the minority could not be passed, and any evasion of this provision could be brought under review of the Privy Council.

A considerable power of veto, with the object of securing uniformity of legislation in certain specified cases and of safeguarding the rights of minorities, would remain with the British Ministry. The Irish would probably not object to such a power of veto, were they granted such a full measure of self-government.

The dependence of Ireland on British credit would perhaps have the most potent effect of any in preventing any temptation to oppressive legislation.

In conclusion, however, I can only repeat that I am solely responsible for this proposal ; and it must be reckoned as only one attempt among the many here of those anxious to find some solution for the century-old Irish problem.

NOTE.—In my task as Editor I should like to acknowledge gratefully the help I have received from Mr. Roden Buxton's constant co-operation and the valuable advice received from Professor Morgan, Mr. Walker and others.

CHAPTER II

THE NATIONALIST MOVEMENT SINCE THE UNION

By G. P. Gooch

If ever a statute has lacked moral validity it is the Act of Union of 1800. The Irish people were sold over the counter, and the methods by which a majority was secured form, perhaps, the most disgraceful chapter in the modern history of Great Britain. The excuse put forward was that the continuance of an Irish legislature after the rebellion of 1798 was a danger to England in her deadly struggle with France ; but that formidable rising need never have occurred but for the recall of Fitzwilliam and the definite rejection of the policy of conciliation for which he stood. The Union was a settlement by compulsion, not consent, a war measure standing in the same relation to ordinary legislation as martial law bears to civil justice. Even the boon promised by Pitt to soften the opposition of a Catholic country was only conferred a generation later in fear of civil war.

Hostility to the Union survived its passage into law, and Emmet's rebellion in 1803 showed that men were still willing to risk their lives in the cause. Grattan had fought with matchless eloquence and heroic courage for the Parliament of which he was the brightest ornament, and after his defeat he declared that the best advice he could give his fellow-citizens upon every occasion was to keep knocking at the Union. But the

veteran leader refused to inaugurate an active movement for repeal until, in his own words, it should be called for and backed by the nation. By the time that a national demand had arisen he was in his grave, and the cause of Irish nationality was in the keeping of Daniel O'Connell.

O'Connell was twenty-five years old when the Union was carried. He regarded the transaction with the disgust felt by all patriotic Irishmen, and in throwing himself into the movement for emancipation he made it clear that his ultimate object was repeal. The hostility of British statesmen to Catholic rights, he declared, rendered inevitable the restoration of self-government. On the night when emancipation was voted a friend exclaimed, "Othello's occupation's gone." "Gone!" was the reply. "Is not there a repeal of the Union?" The second great campaign of O'Connell was not an afterthought, but the embodiment of a life-long and unfaltering conviction. His first public speech had been an attack on the hated statute. On the eve of his triumph in 1829 he declared that to obtain repeal he would give up emancipation itself. He believed that the Irish Protestants, who had opposed the Union, would join him in the demand for the repeal of what he described as "that odious and abominable measure." The condition of success was that the movement should be carried on without revolt or tumult.

O'Connell soon discovered that his second campaign was likely to be far more arduous than the first. In the former he enjoyed the support of the English Whigs and one or two of the Tory leaders; in the latter his old allies were in the opposite camp. In the second place his dream of an united Irish demand was doomed to disappointment. The Orangemen who had passionately resisted the Union were now its passionate defenders, and some of his old friends and colleagues in the fight for emancipation refused to follow him. On the other hand, enthusiasm among the masses of the people was strong, the priesthood rallied to his

standard, and the O'Connell Tribute soon reached gigantic figures.

It was not till 1834 that the Liberator brought repeal before the House of Commons, when only one English member supported his demand for an inquiry into the methods by which the Union was carried and the effects it had produced. But though the Whigs were solidly opposed to repeal, they were ready to accept most of the other demands put forward by O'Connell. With Melbourne as Prime Minister and Drummond as Under-Secretary, the relations of the two countries became friendly for the first time since the Union. O'Connell supported the Ministry and damped down the agitation. He declared that he would test the Union, and that if justice were done to Ireland the demand for repeal would cease. "A real Union or no Union, such is the alternative." To those who complained that he was jeopardising the national cause, he replied that he was as much a repealer as ever, and that he desired an opportunity of convincing the most sceptical that nothing but a domestic Parliament would do Ireland justice.

Before the fall of the Whigs O'Connell had convinced himself that British sympathy with Ireland was only skin-deep, and in 1840 he founded a Repeal Association. He once more emphasised his conviction that the movement must be peaceful and constitutional, and announced that separation was no part of his programme. "There lives not a man," he declared, "less desirous for separation between the two countries or more deeply convinced that the connection between them, on the basis of one king and separate Parliaments, would be of the utmost value to the happiness of both countries." When Peel took office in 1841 the agitation was revived in its full strength. In 1843 O'Connell opened a three days' debate in the Dublin Corporation, which determined to petition for repeal. Vast open-air meetings, not less orderly than enthusiastic, were held. O'Connell was conscientiously opposed to

violence, and he believed that England would yield, as she had yielded in 1782 and 1829, if not from conviction at any rate from fear of civil war. Repeal seemed within sight when the Government suddenly prohibited a gigantic meeting at Clontarf, which was designed as the climax of the campaign. The people were eager for self-sacrifice, and a word from their leader would have led to wholesale bloodshed. But O'Connell yielded without hesitation, the gathering masses returned to their homes, and the Liberator was condemned to a year's imprisonment. An appeal to the House of Lords secured his release, but he emerged from prison an aged and broken man.

Ten years earlier O'Connell had spoken as if a sympathetic British Government might perhaps give such boons that repeal would be needless. He now surprised his friends for a second time by inscribing federalism on his banner. In his great speech to the Dublin Corporation in 1843 he had announced his willingness to accept a dependent Parliament as an instalment and even, if it worked well, as a settlement. He now, however, declared that federalism would be even better than repeal. His sudden change of attitude mystified and discouraged his supporters, and he quickly recanted his heresy. But the spell was broken. He had reached the summit of his career in 1843, and after his release from prison he was rather a hindrance than a help to the nationalist cause. The famine broke his heart, and he died in 1847.

During the later years of O'Connell's campaign the cause of repeal had received valuable assistance from a group of young men fresh from college known to history as Young Ireland. Though working for a time with the veteran leader, they occupied a very different intellectual and political standpoint. While O'Connell's ambition would have been satisfied by the restoration of autonomy, their aim was nothing less than the revival of the national spirit in all its manifestations. O'Connell was a politician with little knowledge of

his country's history ; Davis and Duffy, Meagher and Mitchell were poets and students. While O'Connell addressed his fellow-countrymen with the living voice in monster meetings, the message of Young Ireland was delivered in the columns of the *Nation*, which began to appear in 1842. In the next place, while the power of the Liberator rested on the priests, Young Ireland inclined to anti-clericalism and was frowned on by the guardians of Catholic orthodoxy. Finally, where O'Connell was unalterably opposed to the use of force and spoke with contempt of Tone and Emmet, his young associates were prepared to fight for their demands if they could not be won by constitutional propaganda. With such wide differences of temperament and outlook a split was inevitable ; and when the Liberator, after his release from prison, began to weaken in his demands, they parted company. With the death of Davis in 1845, at the age of thirty, the movement lost its leader, and the entrance of Smith O'Brien and Lalor into its ranks deflected its course towards violent methods. In 1848, the year of revolution, Mitchell organised an insurrection, and on his arrest his friends determined to follow his example. The Government triumphed without difficulty, and the leaders were arrested and transported. Gavan Duffy, against whom no charge was proved, left Ireland in despair for Victoria in 1855, and in his old age raised an enduring monument to the high endeavour and lofty self-sacrifice of his early friends. No Irishmen ever loved their country with more passionate devotion nor cherished more generous ideals for her resurrection.

The years following the famine and the revolt of 1848 are among the saddest in modern Irish history. The Tenant Right movement was ruined by the treachery of Keogh and Sadleir. The national cause lacked leaders, and the attention of England was turned to other parts of the world. It was in this soil of indifference and despair that Fenianism arose. The termination of the Civil War in America set free

thousands of Irish soldiers, many of whom joined a secret organisation to secure the independence of Ireland. James Stephens and most of the other leaders were arrested in 1865 before they had time to rebel; but in 1866 armed bands crossed the Canadian frontier and in 1867 a large body of Fenians assembled at Chester, with the apparent intention of seizing the castle and its military stores. Later in the same year a van containing Fenian prisoners was attacked in the streets of Manchester and the officer in charge was shot. Shortly afterwards an explosion occurred in Clerkenwell Prison, where some Fenians were confined. These outrages naturally led to the suspension of Habeas Corpus; but they also compelled British statesmen to study the causes of Irish discontent and led directly to the disestablishment of the Irish Church and the Land Act of 1870.

When the Liberator delivered his great indictment of the Union before the Dublin Corporation in 1843 its defence was committed to Isaac Butt, a young Protestant lawyer, the rising hope of Irish Conservatives. His main contention was that further time was required to judge of the ultimate results of the Union; and so lukewarm was his championship of the cause that had been committed to him that his great opponent declared that he would live to be a Repealer. The prophecy came true. After sitting in the House of Commons for a short time for an English constituency as a Conservative, he found a seat in his own country. He defended Gavan Duffy in 1848, and won the position of a national hero by his powerful efforts on behalf of the Fenian prisoners, whose self-sacrificing courage made a profound impression upon him.

The disestablishment of the Church in 1869 struck a blow at an institution secured by the Union and encouraged Irishmen to work for further modifications of that instrument. In the spring of 1870 a meeting of men of all parties was held in a Dublin hotel to consider the state of Ireland and to concert measures

for its improvement. The scene has been vividly described in his well-known work, "New Ireland," by A. M. Sullivan, who took part in it. A resolution declaring "that the true remedy for the evils of Ireland is the establishment of an Irish Parliament with full control over our domestic affairs" was proposed by Butt and carried unanimously. That evening witnessed the birth of the Home Rule movement. "The Home Government Association of Ireland" was formed, and some striking victories were won by Butt's candidates at by-elections. In 1873 a four days' Conference was held at Dublin, at which the principles of the Association were affirmed and the name of the organisation was changed to that of the Irish Home Rule League. So popular was the programme that in the general election of 1874 sixty Home Rulers were returned. Had the dissolution taken place later in the year the preparations of the League would have been more complete and its triumph more signal.

The brain of the movement was Butt, and its programme was fully explained in his celebrated pamphlet entitled "Irish Federalism," published in the summer of 1870. He contended that it was neither necessary, possible, nor desirable to repeal the Union. He asked for a subordinate Parliament, which, he declared, would have solved the problems confronting British statesmen in 1800. Such a body England might safely grant, and such a body would give Ireland all that was needed for the full development of her national life. Indeed, she would have a greater influence in a federal Union than she had in the Grattan Parliament, as she would have a voice in Imperial concerns through the 105 Members who would continue to represent her at Westminster. A division of labour was essential, as the House of Commons was overworked and Scotch and Irish interests were neglected. The federation of Canada and the restoration of Hungarian autonomy in 1867 showed the feasibility of federal institutions. Ireland was a disgrace and a danger to England, "the

most discontented, the most distracted, and the poorest country in Europe"; but no people on earth was "less disposed to democracy." Ireland asked for nothing which could not be equally granted to England and Scotland, and before long the United Kingdom would in all probability be transformed into a federation, its local affairs being transacted by subordinate Parliaments.

Butt's argument was conducted throughout at a high level and without a trace of hostility to England. His distaste for violence was as pronounced as that of O'Connell, and he believed that a modification of the Union could be secured by a reasoned appeal to public opinion. He was mistaken. The League published a number of pamphlets and won the great majority of Irishmen to its principles; but the predominant partner paid no attention to a movement which confined itself to peaceful propaganda. Moreover, Butt, though a scholar and an orator, lacked strength of character, and was utterly destitute of the gifts of a political leader. He brought Home Rule before Parliament session after session in able and moderate speeches; but the House treated him with polite contempt, and his party went to pieces before his eyes. His achievement was to formulate the Home Rule programme. It was the task of other men to transmute his academic ideas into a living and irresistible movement. When he died in 1879 he had ceased to be the leader of his party, and the disappearance of the Father of Home Rule caused no ripple on the surface of politics.

The next chapter in the history of the revolt against the Union opens in 1877 when Parnell, who had entered Parliament in 1875, virtually assumed the leadership of the Nationalist movement. Though scarcely over thirty years of age, a Protestant and a landlord, he quickly transformed a disorganised mob into a disciplined army. The distress of 1879 and the foundation of the Land League by Michael Davitt brought to the aid of the political movement the pent-up indigna-

tion of the peasantry at the cruelties of Irish landlords, while the obstruction of business at Westminster by Biggar, Parnell, and a few other fearless Nationalists compelled the most indifferent legislator to occupy himself with the Irish question. In an illuminating essay Mr. Bryce has recorded the gradual conversion of himself and other British Members to Home Rule during the stormy Parliament of 1880. The futility of incessant Coercion Acts was becoming obvious, and in 1884 Mr. Chamberlain began to advocate the creation of Irish Councils. When the Gladstone Government fell in the summer of 1885, Salisbury chose for his Lord-Lieutenant a convinced champion of the federal idea. Carnarvon saw Parnell and gave him such satisfactory assurances that the whole strength of the Irish vote was cast for Conservative candidates in the election that followed. His hopes were disappointed, for Carnarvon resigned and Salisbury refused Gladstone's offer of assistance in carrying through Parliament a measure of autonomy. But before the end of the year it became known that the Liberal leader had adopted Home Rule.

With the conversion of the greatest living British statesman and the adoption of Home Rule by one of the historic parties, its ultimate triumph became a mere question of time. Had Gladstone been a younger man, had not Parnell ruined his career in the Divorce Court and shattered his party into warring factions, a subordinate Parliament might now be sitting at College Green. But the delay has not been altogether without its compensations. Purchase is rapidly solving the land question, local government has been entrusted to elected Councils, the people are more prosperous and better educated. The serried phalanx against which Nationalism beat in vain in 1886 and 1893 has gradually broken up. The permanent Under-Secretaries who have endeavoured to govern Ireland from Dublin Castle have confessed the hopelessness of the task. In 1902 Mr. Wyndham invited Sir Antony Mac-

donnell, a Roman Catholic and a Home Ruler, to work with him rather as a colleague than as a subordinate. Lord Dudley bravely proclaimed that his experience as Lord-Lieutenant had led him to the conviction that Ireland must be governed according to Irish ideas. In 1903 Lord Dunraven, aided by his Unionist comrades of the Land Conference, founded the Irish Reform Association to advocate the establishment of a Financial Council and a Statutory Body for dealing with local affairs. Though the Assocation never obtained a large membership, and the Irish Council Bill of 1907, which was to some extent based on its proposals, was repudiated by Nationalist opinion as inadequate, its influence has been considerable. Perhaps the most remarkable feature of its history is that its founders have been driven by the logic of their own principles into the Home Rule camp. The champions of the Union in its present form are diminishing year by year.

This brief sketch will have sufficed to indicate that the Union has never been accepted by the Irish people, who have employed every method, from argument to insurrection, to show their dislike of it. O'Connell's demand for repeal and the Fenian cry of an independent republic have long given way to Butt's more modest requirement of a subordinate Parliament. The outstanding lesson of Irish history during the nineteenth century is that the real union of the two countries will only begin when it rests on the unforced consent of the weaker member, and when scope is found for the national self-consciousness beneath the tolerant sovereignty of the British Crown.

CHAPTER III

THE MEANING OF THE IRISH LANGUAGE MOVEMENT

By W. P. Ryan

What is called the Gaelic revival of the last decade and a half is far more than a linguistic and literary movement. Its deeper interest is psychological, and it has meant at its best, for many hundreds of our people, a fascinating recovery and realisation of the romance of life. I feel sure that it is impossible to understand this apparently new Irish outcome even moderately well unless one starts with some knowledge of the distinctively Irish civilisation of the past and of what I may call Irish psychological history. And to obtain this, even partially, necessitates large labour, consideration, and patience. We have had apologies, partisan treatises, sociology, and polemical politics *go leór,* but not the inner life, the psychology, except on rare occasions. However, our own generation has been better circumstanced in that regard than the two or three which preceded it. In English alone we have had several books that afford great phases and flashes of the truth. Dr. Douglas Hyde's "Literary History of Ireland," for example, provides imposing data towards the revelation of Ireland's inner and intellectual story for over fifteen hundred years; but to the reader who does not know Irish and who has not a considerable knowledge of the original material reviewed it must fail of its full and due effect. Again,

Dr. Joyce's "Social History of Ancient Ireland" affords a wealth of attractive pictures and suggestions, while quite recently Mrs. J. R. Green's little volume, "Irish Nationality," gave in brief compass quite a brilliant, if idealistic, presentment of the essence, evolution, tragedy, and vitality of the historic Irish nation, though it did not dwell quite sufficiently on the spiritual or even the theological issues—which, indeed, too many either shrink from or hopelessly misunderstand. These three works, to go no farther, would prepare the open-minded general reader for the understanding of the "Irish revival" of our time, and incidentally for the discovery that it is as much a continuation or a development as a revival. In the Gaelic Ireland of to-day, and, indeed, in the "Anglo-Ireland," we meet things that seem of dateless age as well as others that seem curiously new.

The revival did not so much originate as manifest and organise a good deal which was very much alive, and still more that had been latent. We get the apparent starting-point in the early nineties with the establishment, very modestly, of the Gaelic League by a few men like the late Father O'Growney and Dr. Douglas Hyde. It was a time of political demoralisation, consequent on the fate and fall of Parnell and the internecine conflict and confusion that followed. The Gaelic League pioneers were fortunate at the start in so far as they were able to point to a national heritage and a national ideal that outlasted and outsoared politics. Obscure and little noted at first, they gradually conveyed some message of peace and magic to distracted Anglo-Ireland and surprised and heartened hundreds in the poorer Irish-speaking districts by their insistence on the worth and national necessity of the speech and lore that had been neglected or despised during the greater part of the nineteenth century. The League differed radically from earlier Irish language organisations inasmuch as it worked in a thoroughly popular, not an academic, way. It

turned the minds, and as far as possible the steps, of interested students to those regions beyond the Shannon and the Galtees and north of the Boyne, where Irish was still living and vital, and in those districts themselves it encouraged the insistent use of Irish in every department of life. In brief, it all meant the ingathering, organising of, and giving conscious and definite direction to factors and forces already existing in a more or less unordered or neglected state. Even in scores of the central and eastern quarters where English prevailed some Irish still lingered, the Anglican phraseology was often like literally translated Irish, and there was a certain mysterious feeling for the ancestral speech and lore in the consciousness or sub-consconsciousness of the people. It must always be remembered that the continuity of Gaelic intellectual tradition had never been broken. In the havoc of Elizabethan times Irish prose had high and stately phases : witness Dr. Geoffrey Keating and his history and religious treatises. A wealth of story and poetry was passed down amongst the people through the disasters of the seventeenth and eighteenth centuries, and even far into the nineteenth. Irish poetry, or at any rate Irish verse, was composed and chanted in the west and south, and to some degree in the far north, up to the rise of the Gaelic League, and the effect of the latter was to give obscure parochial singers and story-tellers a more national standing. Gradually the Gaelic League began to move Irish minds and to affect Irish life profoundly. It stirred new consciousness in a race-mind that still had a distinctive, often old-world flavour, and it brought a host of students to the realisation of the existence of an Irish language still extraordinarily rich and vigorous, and, though necessarily lacking modern terminology, yet great in its formative power and adaptability. But, generally speaking, the end-of-the-century work was either educational or homely and racy rather than artistic or creative in its trend and interest. Reams of story,

folk-lore, and poetry were collected. The old story-tellers and singers were encouraged and honoured, a new zeal and vision came to eager students in the growing Gaelic League branches and evening classes. There was a vigorous propaganda to extend Irish in the schools and to make its teaching more attractive. Text-books were produced and came to sell by tens of thousands. A bi-lingual weekly, *Fainne an Lae*, afterwards *An Claidheamh Soluis*, was started. Distinctly non-political and non-sectarian, by the early years of the twentieth century the League and its spirit had appreciably smoothed differences of class and creed, and revealed to increasing workers and enthusiasts an underlying racial and human unity they had not hitherto realised. Protestants like Dr. Douglas Hyde came to appeal to the Catholic multitude like vivid and favourite characters in the old sagas and hero-tales. In the Gaelic-speaking places there was a charming revival of tale and talk. In cities and towns apart from the Irish-speaking districts the students and pioneers who had felt the spell of the mission and the movement came to show a new strength and manliness of character, and an idealism that moved them to be alert and practical. Temperance, industrial development, the provision of rational and healthy pastimes, and much more, were in their programme. They set themselves to be "nation-builders" in a deeper, more definite, and also more joyous sense than before. Gradually a racy young democracy with intellectual as well as social interests began to assert itself. Outside the Irish-speaking districts as well as within them explorers and students came not merely to appreciate but to idealise the considerable store of Gaelic culture handed down through generations in those Gaelic areas—the culture not of a cult but of the many. Old festivals and features of Gaeldom began to be revived and developed. The chief of these was, and is, the Oireachtas, held in Dublin in the first week in August, though in later years many of the numerous provincial festivals, or

Feiseanna, far transcend in scope and interest the Oireachtas as it was at the outset. The Oireachtas, with its literary, musical, and other competitions, its exhibitions and conferences, and its social rallies and revels, is a fascinating revelation of our intimate and more conscious Ireland—it is even wider in scope than the Welsh National Eisteddfod. Still more interesting, to some orders of mind, is the Ard Fheis, which is always held in Dublin during Oireachtas Week. This is composed of delegates from Gaelic League branches at home and abroad, in addition to the Coisde Gnotha, or annually elected executive of the League. The whole is an exceedingly expressive specimen of an Irish Parliament. The proceedings last for three days, and in these later years the discussion is entirely in Irish (the League's ideal for the schools is bi-lingual education). Apart from the reviews of League work and its special administrative, teaching, publication, and other problems, an Ard Fheis is concerned in one way or another with the whole domain of Irish education. Delegates include priests and laymen, Catholics and Protestants, rich men and poor men, schoolmasters and students, employers and employed. This Gaelic Parliament is invariably a notable illustration of how all sorts and conditions of our people can differ widely on details and cordially concentrate in the end on essentials.

The studious, the social, the artistic, the industrial, and the picturesque sides of the Gaelic League and its latter-day ramifications would occupy the inquirer and traveller who wanted to know all the facts and phases from year's end to year's end, and the study would bear him through the cities and towns into remote country places. Through the summer and autumn the typical town and country Feiseanna would show him what I may call the transcendental selves of the places and peoples in picturesque manifestation for the time ; but to realise the whole significance of the musters and the displays he would need to remember that the

language, literary, story-telling, historical, recitation, singing, instrumental, dancing, and (often) industrial competitions for adults and juniors mean many-sided work in the homes, the gardens, the branch classes, and the schools for many months preceding the great public events. Then he would need to see at work the special summer colleges for the training of the teachers in modern and scientific methods of instruction. These have become famous in their way. They are held at Clochaneely in Donegal, Mount Partry in Mayo, Spiddal in Galway, Dingle in Kerry, Ballingeary in Cork, Ring in Waterford—all Irish-speaking districts. Somewhat similar colleges work through the winter months in Dublin and Belfast. The summer colleges derive their students from amongst the primary school teachers, young Maynooth priests, advanced Gaelic League class workers and others, while now and then they attract professors and students from Oxford, Cambridge, Paris, Vienna, &c. Furthermore, our inquirer would find it necessary to become acquainted with the general scheme of organisers and travelling teachers (*muinteoiri taisdil*) established by the Gaelic League and its district committees. Were he merely to accompany one travelling teacher on his rounds and duties in a typical southern, western, or northern district, for even one month in the depth of winter, and note the Irish classes—language, history, &c.—and the musical and social gatherings of which he is the centre and stay, he would have a happy insight not only into the meaning and message of the Gaelic League, but into the feeling and instinct for culture and joyance, after their own hearts, possessed by the people in what he might consider woe-begone places if he hurried through as an ordinary tourist. After this he would need to inform himself of the fine work of the Columban League in Maynooth, which is giving us a more human and a more Irish order of young priests, and there would be still before him the quest of what is being thought and felt and achieved in other

educational institutions, like the colleges of the National University, the remarkable bi-lingual centre, St. Enda's College at Rathfarnham, and several other haunts, not forgetting the Gaelic Society in the long alien Trinity College, Dublin. Lastly, he would have to learn in the chief offices of the Gaelic League in Rutland Square, Dublin, how the League is carrying out, on inadequate monetary resources, what in a normal land would be the work of several Government departments, educational and otherwise. In the last five years as a member of the Coisde Gnotha, or executive, as chairman of the Organisation Committee, and as a member of the Publication, Education, and Oireachtas Committees I had ample opportunity for knowing the story from within. Coming after one's ordinary day's tasks it was onerous and exhausting labour, but not for much would I have missed it. It had inspiring and delightful recompenses.

The more or less literary side of the movement forms a varied story. Strangely mixed and of course unequal was the mass of lore, from manuscripts and the Gaelic peasants' memory, that began to find in the mid-nineties and onward an ever-widening audience, when published by the Gaelic League and such bodies as the Irish Texts Society and the Irish Book Company. Several modes, traditions, mentalities, and styles, with a certain kinship indeed, came to be unfolded together. Keating alone—Shakespeare's contemporary—is a grave, arresting study, with his stately, somewhat Latinised prose, his history suggestive in a rough way of Herodotus, his learning combined with *naïveté* and simplicity of belief and outlook, his mediæval theology expressed with Dantesque grimness and earnestness, his profound patriotism, his burning moral enthusiasm, his devotion to his nation and his labours for her history and literature in dark days, when the hunters and persecutors were close on his track. He is but one of many individualities, mainly poets (though he is least known as a poet), whose

work throws vivid light on the Irish social and psychological history of the sixteenth, seventeenth, and eighteenth centuries. The poems of O'Rathaille, Sean Clarach MacDomhnaill, Eoghan Rua O'Suilleabhain, Tadhg Gaodhlach, Piaras Ferriter, Sean O'Tuama, Aindrias MacCraith, and several others, were edited and published, mainly by Father Dinneen, himself a prolific Irish prose writer. In some respects the most noted of all these poets was Eoghan Rua, who might, broadly speaking, be called an Irish Burns—his strange, Bohemian life has been told in Irish by his reverend editor, and seldom has a cleric had so trying a subject. The "aislingi," or visions, of a number of those poets are a special and peculiar study in themselves. Their wealth of language is at once the joy and ordeal of students. The Gaeldom of the three centuries I have referred to produced not a few inspired lyrists, many minor bards, and quite a legion of rhymers—a friend has published a list of three hundred different bards, more or less of whose work is still living in one district of Munster.

And now these singers themselves seem alive in a new way. The Gaelic revival has meant an added zest for song and songfulness. Yet the new additions to poetry have not been considerable in quantity or quality so far. Poetically we are under the spell and dominion of the past. The developments have been in prose.

But a great deal of the prose itself, in the earlier stage especially, represented also an ingathering, an amassing of traditional and popular lore. Irish writers and Irish students seemed to consider it a sacred duty to be what they regarded as "traditional": to tell stories and look out on life in the way of their fathers before them. Their philosophy was simple and partial, appealing in some ways but not convincing to more eager spirits of the new generation. So we have had our bracing battles over the "Gaelic spirit" and the "world spirit," and over sundry "modern issues"—

in some wise very ancient—that must challenge Irish humanity as well as a great deal of the rest of humanity. But, generally speaking, till the last few years we have had more or less interesting story-tellers and chroniclers rather than creators and psychologists, and the latter are still rather modest and unassuming, as well as intermittent in their manifestations. The most popular and the most prolific of all Irish writers, Canon O'Leary, suggests antiquity come back to breezy life and very much in love with a countryside audience. He is exceedingly pleasant to read for his richness of idiom, his ease and freshness of style, his fidelity to the moods, manners, lore, and speech of the people he knows well—a people with considerable richness and raciness of character, a deep, simple faith, and a shrewd philosophy, to say nothing of their vigorous power of expression. His best-known work, "Séadna," is a curious mixture of folk-story and homely novel. Its devil, rather voluble and somewhat tedious as a theologian, reminds us of stories and beliefs that obtained in Europe for ages before Goethe gave them a new significance and setting in "Faust." His "Eisirt" is an admirable re-rendering of a mediæval Irish tale of little people, curiously like the famous story of Swift's. Canon O'Leary, and other popular writers like J. J. Doyle, and, in a rather more artistic order, men like "Conan Maol," raise very interesting considerations. They write for a democracy that knows nothing of the circulating library and sensational fiction, a democracy mostly unspoiled, that dearly loves stories, that has not yet ceased to wonder, and that has a considerable store of traditional lore, which is in itself no mean culture. I do not know of quite such a literature or quite such a reading democracy anywhere else—some of it, indeed, is not so much a reading democracy as one that loves to listen when the young generation reads by the hearth from the new books that still express things in the old way. And for new students and, indeed, scholars all this lore is an expressive

basis on which to begin and build—all Gaels agree that whatever intellectual and artistic developments there may be, the basis and beginning must be of and from the people, "racy of the soil." The younger prose writers who have made more or less mark in the past ten years are fairly representative of the South, the West, and the North (the Irish of which has certain dialectical differences), while a few writers born in Dublin and the East and Midlands have so mastered the language and so identified themselves with certain Irish-speaking districts, permeating themselves with the local lore and tradition, as to be able to use Irish quite naturally and effectively. Of the latter, one of the most interesting examples is Padraic MacPiarais (P. H. Pearse, B.A., B.L.), the headmaster of the new and notable bi-lingual college, St. Enda's, at Rathfarnham, under the Dublin mountains. For years he made Connemara a sort of second home, and his stories, like "Iosagán," are appealingly simple and attractive additions to the new Irish literature. From the remote and socially poor Connacht region which he made his own have come two writers extraordinarily different in temperament, outlook, and style. The first, Michael Breathnach, unfortunately died in 1908, at the age of twenty-eight. His personality was singularly engaging and beautiful. He was little over twenty when he was brought over to London to act as assistant secretary, as well as one of the teachers of Irish, in the London division of the Gaelic League. His health broke, and he was obliged to spend the winters in the Alps, returning in the summer to Ireland to act as Principal of the Gaelic Training College by the waters of Loch Mask. His Irish work was full of colour, glow, romance, like his own delightfully idealistic nature. Strange in every way is the contrast presented by the other writer from his district, Padraic O'Conaire. Padraic has written a few Irish plays, and one of the best, but decidedly the grimmest, of Irish novels—though it has a certain Dickensian comedy—but he is

more distinctly in his element as a writer of short stories of Western Irish life. In this domain he is an artist. Grim, mordant, realistic in the restricted modern sense, he suggests to us a critical Connacht man with a Scandinavian temperament.

Song and story are the Gaels' great media so far. In these later years we have made numerous experiments in drama, but the trail of the story is over most of them. With no regular Gaelic stage, and only amateur and casual actors, the difficulties of presentation have been great. There have been a few incidental successes, for the most part at the Oireachtas. Dr. Hyde, Father Dinneen, Father O'Kelly, Thomas Hayes, Piaras Beaslai, Mrs. Fitzgerald, and a few other writers have divided the honours. But on the whole Irish drama is still in an experimental and tentative stage; interesting and curious to ourselves, but not definite enough for detailed interpretation for even the friendly outer world.

While avowedly non-political, the Gaelic movement has necessarily had a certain effect on the Irish political world—a rather decisive effect on the attitude and outlook of the rising generation. It has brought the younger men a clearer understanding of the fact that politics is not necessarily nationality, that political and legislative machinery, though exceedingly important, is but the means to an end, that the vital nation-building depends in the long run on character and on forces much deeper than politics as it is ordinarily understood, that the greater Ireland like the kingdom of heaven is within; in short, the movement has made, so to say, for the intensive cultivation of character and intellect, and is steadily conducing at its best to a deeper and more philosophical conception of patriotism. Incidentally, of course, it fosters an interest and wholesome pride in Irish art and industry, in all attractive achievements of Irish hand and brain. In the broad sense it inspired what are called Sinn Fein ideas, though it is clearly distinct from the political

Sinn Fein propaganda. "Sinn Fein amhain"—ourselves alone—really means self-reliance, self-trust, self-development, realisation and application of our best. In that fine sense all who think and strive are "Sinn Feinists." Politically the idea has exerted a varying influence. As a political policy it has been preached with intensity and ability by Mr. Arthur Griffith and others. It appeared to achieve a certain measure of success in the days when the Irish Party seemed to be but marking time; its appeal has been less evident in later days. The older generation as a whole declines to be turned from parliamentarian methods and hopes, but should Mr. Redmond and his brethren not succeed in their Westminster policy and programme in the immediate future, there would in all probability be a more definite and decisive adhesion to the more thorough-going policy. One of the weaknesses of the political Sinn Fein party seems to me to be its social insensitiveness or apathy. It has appealed little to Labour, which is slowly becoming more conscious and more organised in Ireland.

Looking back on the record of the past ten years or more of revival and development, one is conscious, apart altogether from the objective interests and the positive achievements, of a new world of intellectual romance and spiritual adventure. The finer interest has been subjective. There has been a quickening of mind, an awakening and enrichment of character; deeper selves, and consequently a new Ireland, have been discovered. Hundreds have looked within and have been gladdened and exalted. They have learned a little of the ancient truth that the problem is not to reach the golden age, but to manifest it.

CHAPTER IV

THE PRESENT SYSTEM OF GOVERNMENT IN IRELAND

By G. F.-H. Berkeley

In Ireland there is a government consisting of a Lord-Lieutenant, a Chief Secretary, and a bevy of some forty odd departments and offices. This information may perhaps seem a little trite, but it is necessary. One still meets Englishmen who do not yet realise that we already possess in Ireland a separate government, organised for Irish purposes alone, working, so to speak, within the ring-fence of Irish affairs and problems and entirely outside the circle of English interests, whether home or foreign. It deals with questions which are usually unknown to the English voter ; it is paid for its services out of " Irish expenditure." One odd point : it is not responsible to the Irish elector who pays it, but in reality to the English elector who knows nothing of it. For it is controlled—boards, offices, and departments alike—according to the will of the Chief Secretary.

Here it is perhaps worth while to make a very brief comparison between the respective administrations of Ireland and England, for to outward appearances their forms are somewhat similar. In England each separate department is represented by a Cabinet Minister. His duty is to supervise his office separately in the public interest, but at the same time never to get out of agreement with the Cabinet. Should he make mistakes,

he will at once be checked either by popular clamour or by his own ministerial colleagues. Through either of these two influences he may even be forced to resign. This in England. But in Ireland the case is exactly the contrary. All the boards are represented in Parliament by one man, the Chief Secretary. He can utterly disregard the popular clamour because he depends, not on the Irish taxpayer who pays him, but on the English taxpayer. Similarly, he is not tied to the Parliamentary majority of Ireland. He is in the position of a Prime Minister, but of one entirely independent both of the people whom he rules and of any kind of Cabinet appointed by them.

The best instance that I know of how apparently democratic institutions can thus be turned against the people is the administration of Mr. Walter Long. He was avowedly sent to Ireland in order to frustrate the policy approved by an overwhelming majority in that country. Sir Edward Carson, then one of his ministerial colleagues, wrote quite openly on the subject to the Lord-Lieutenant (Lord Dudley): "Mr. Long was sent to Ireland to frustrate any such policy [as that of Sir Anthony MacDonnell] and to endeavour to repair the injury which had been done to the Unionist cause." In other words, then, his Chief Secretaryship, according to Sir Edward, was simply a weapon to be used against his second-in-command, and his official position as working head of the executive was merely to be employed for party purposes against four-fifths of the people. What would be said if such an admission were made about an English Prime Minister?

We now come to the second question: *What* is this Irish Government? It is an executive without a legislature—that is to say, a head servant whose master is always abroad.

To come to details; its first item may be very shortly dealt with: I mean the Lord-Lieutenant. At home he is merely an English gentleman; once landed in Ireland, however, he becomes *The King*. A.D.C.'s,

mounted escorts, private detectives follow his footsteps. A vision of half a dozen victorias with four high-steppers apiece, outriders, bright liveries, English military bands crashing out "God Save the King"—that is the Lord-Lieutenant. All this, of course, is intended to impress the people. But it wins very little admiration from either side. Even Conservatives often talk of abolishing it.

An energetic Lord-Lieutenant, however, can do a great deal of good. If he be man enough to escape from the official and social hangers-on who surround him forty deep, and to disbelieve seven-eighths of the men and women whom he meets, he *can* get in touch with the people. For *he*, having no real power, lives in Ireland. The Chief Secretary, who has all the power, lives nine months a year at Westminster. In this connection, however, one must remember that a *Liberal* Viceroy has before now been met and his influence counteracted by a social boycott.

Next in order of rank we come to the Chief Secretary. Here is the true centre of government. A Chief Secretary backed by a strong majority—I mean of course a strong English and Scotch majority—can do what he likes in Ireland, because he is powerful on both sides of the water. In England he guides the Irish policy of the Cabinet; in Ireland he is *generalissimo* of the boards.

Directly or indirectly the Chief Secretary can control any office in Ireland as long as he has an English majority at Westminster. The laws are in the hands of his colleagues, the armed force in his own. The Cabinet can pass Land Acts, Tariff Acts, Franchise or Redistribution Acts in the very teeth of the people. Meanwhile he can appoint political judges both for County and High Courts, political recorders and political magistrates to carry out these legislative efforts. The police are his to recruit or not to recruit; their officers are nominated by him, and the inspector-generalship is in his gift. Behind them is the military and naval

force of Great Britain. In addition to these he has a network of over sixty resident magistrates, who in troubled times used to report to him once a month from their districts in every part of Ireland. Add to this the constant Coercion Acts enabling him if necessary to arrest men on suspicion ; add to this the power of the Conservative Press, which slanders Ireland all over the world, and the picture is complete.

Not only can he thus command events, but he can when necessary influence, and almost dictate, the policy which gives rise to them. I append here a list of some [1] of the principal boards, offices, and departments under his influence,[2] a list which in itself will supply some indication of what I mean, and will at the same time afford a bird's-eye view of their *numbers*, and the *scale* of salaries on which they are paid.

1. The Household of the Lord-Lieutenant, appointed by him. The salaries, including his own, amount to nearly £25,000, and the total expenses to nearly £45,000.
2. The Chief Secretary's Office, appointed by him. Salaries, including his own, amount to £28,000.
3. The Office of Arms. Unimportant. But the Ulster King-at-Arms is appointed by the Lord-Lieutenant. His salary is £600 a year.[3]
4. The Registrar of Petty Sessions Clerks, appointed by the Lord-Lieutenant, who can also suspend any petty sessions clerk in Ireland.[4]

[1] In "The Outlook in Ireland," p. 152, Lord Dunraven, quoting from the *Nationalist*, gives a complete list of the boards, offices, and departments, amounting in all to sixty-seven ; but by omitting some of the legal offices and others I have reduced this number to forty-two.

[2] In the case of most of these offices, departments, and boards their chief officials are nominally appointed by the Lord-Lieutenant. But for practical purposes, as will presently be shown, this means the Chief Secretary. It is he, a member of the Cabinet, who possesses the real power whenever he is disposed to use it.

[3] The present holder only receives £540 a year in consideration of his military pension.

[4] 21 & 22 Vict. cap 100 § 3. Lord-Lieutenant appoints the Registrar and (§ 26) fixes his salary, as well as (§ 9) those of the petty sessions

5. The General Prisons Board; its members are appointed by the Lord-Lieutenant; dismissable by him. These powers, together with many others, are carefully specified in the Act (40 and 41 Vict.) constituting the Prisons Board.
6. Office of Inspectors of Lunatic Asylums, appointed by the Lord-Lieutenant.
7. Royal Irish Constabulary.[1] Officers and men appointed by the Lord-Lieutenant.
8. Dublin Metropolitan Police.[1] Chief Commissioner, Assistant Commissioner, and various other officials appointed by Lord-Lieutenant.
9. Land Commission. The Commissioners are appointed by the Crown[2] on the recommendation of the Lord-Lieutenant.[3] Assistant Commissioners appointed and removable directly by the Lord-Lieutenant. There are 6 Commissioners (including the Estates Commissioners), absorbing £16,500 a year in salaries. There are 35 Assistant Commissioners, absorbing £29,600 a year. In this

clerks on the recommendation of the justices. Under § 27 the Registrars' accounts are audited by the Chief Secretary or Under Secretary.

41 & 42 Vict. cap. 69 § 3. The Lord-Lieutenant or the justices can suspend any petty sessions clerk in Ireland.

[1] I do not dilate on these two police forces as their case has been so often dealt with. Together they cost £1,489,526, whereas the Scotch police costs only from £600,000 to £700,000; although the Scotch estimate provides for 3,000 prisoners, whereas the Irish need only provide for 2,810. It is unnecessary to say that the Irish police is absolutely under the hand of the Chief Secretary. The present Unionist regime could not exist otherwise.

The principal Acts relating to the R.I.C. are 6 & 7 Will. IV. cap. 13, 2 & 3 Vict. cap. 75, and 22 & 23 Vict. cap. 22. Those relating to the Dublin Met. Police are 22 & 23 Vict. cap. 52, and 37 & 38 Vict. cap. 23.

[2] 44 & 45 Vict, cap. 49 § 41, Commissioners appointed by the Crown. § 43, Assistant Commissioners appointed and removed by the Lord-Lieutenant. § 45, Solicitor and Secretary can only be appointed and removed with consent of the Lord-Lieutenant. Any other officers, agents, clerks, and messengers, actuaries or surveyers, only with that of the Treasury. § 46, Salaries, except those of the Commissioners, to be fixed by the Lord-Lieutenant with consent of the Treasury.

[3] "Dublin Castle and the Irish People," by R. Barry O'Brien, p. 350.

commission alone the first 70 officials absorb £70,800 a year (entered of course as Irish expenditure on the estimates). At the lower end of the list are no less than 182 assistant clerks, averaging only £80 a year each ; this is rather typical of the bureaucracy. The expenses of this office, however, would not form a serious charge on a Home Rule Government. They will automatically dwindle as the land is transferred.

10. The Department of Agriculture and Technical Instruction. By law its President must be the Chief Secretary for Ireland ; the Vice-President is appointable and removable by an English Secretary of State.[1] These two men constitute the Department.[2] The staff is appointed by the Department itself with the consent of the Lord-Lieutenant. This body undoubtedly does good and useful work, as indeed it should in return for salaries amounting to nearly £100,000 a year.

11. The Congested Districts Board. Its 14 members are all appointed by the Lord-Lieutenant, either directly or indirectly. The Chief Secretary for Ireland, the Under Secretary, and the Vice-President of the Department are all members of this Board.[3] The Lord-Lieu-

[1] 62 & 63 Vict.

[2] "The Department consists of the President (who is the Chief Secretary for the time being) and the Vice-President" ("Ireland in the New Century," by Sir Horace Plunkett, p. 228).

[3] 9 Edw. VII. cap. 42. Members of the Congested Districts Board are to be—

§ 45 (*a*) The Chief Secretary, the Under Secretary, and the Vice-President of the Department. *These three ex officio.*
(*b*) Nine members appointed by his Majesty for five years.
(*c*) Two permanent members appointed by his Majesty during pleasure.

§ 51 By Order in Council the Lord-Lieutenant has the power to
(1) Regulate proceedings and meetings (including the quorum).
(2) Regulate and define the powers of the permanent members.
(3) Make such regulations as appear to him necessary.

tenant has also power of regulating its proceedings, meetings, and members.

It ought in reality to be abolished, but it has acted with some independence and, unique among Irish boards, commands public confidence.[1]

12. The Local Government Board. Its members are appointed by the Crown on recommendation of the Lord-Lieutenant. Castle influence is further maintained by the fact that the Chief Secretary is president of it and the Under Secretary also a member.[2]

The salaries for this Board amount to £67,000 a year, and the 26 upper officials divide over £18,000 a year between them.

The reader will by now probably be somewhat tired of the Boards and Departments! But this is only the twelfth out of 42 which I propose to mention from the full list of 67! It is only the twelfth out of 26 whose appointments lie *directly* under the Castle influence. The remaining 14 of this class, however, may be very shortly mentioned.

13. The Office of Reformatory and Industrial Schools.[3]

14. Public Loan Fund Board. Appointed by the Lord-Lieutenant.

15. Board of Intermediate Education. Appointed and dismissed by the Lord-Lieutenant.[4]

[1] Perhaps the strongest existing argument in favour of Home Rule is that drawn by Mr. Barry O'Brien ("Dublin Castle and the Irish People," p. 304) from the report of the Royal Commission on the Congested Districts Board. They reported that theoretically the Congested Districts Board ought to be abolished; but that, practically speaking, no government department in Ireland could command enough public confidence to undertake their work!

[2] 35 & 36 Vict. cap. 69 § 3. "The Local Government Board shall consist of a president, being the Chief Secretary . . . of the Under Secretary . . . together with a vice-president and two other commissioners . . . to be appointed by her Majesty and to hold office during the pleasure of her Majesty."

[3] 40 & 41 Vict. cap. 49 § 5 (Inspector appointed by Lord-Lieutenant).

[4] 41 & 42 Vict. cap. 66 § 2. Under § 3 the Lord-Lieutenant can also appoint Assistant-Commissioners.

63 & 64 Vict. cap. 43 § 2. Inspectors are to be appointed by the

16. Board of National Education. The Resident Commissioner holds his post at the pleasure of the Lord-Lieutenant, as do also the other Commissioners.[1]
17. General Valuation and Boundary Survey.
18. The Estates Commissioners (salaries dealt with under the Land Commission). One is appointed directly by the Lord-Lieutenant ; the two others by the Crown. They are, by law, under the general control of the Lord-Lieutenant and bound to act in accordance with his regulations,[2] and hold their offices "during pleasure."
19. The Public Trustee. Appointed by the Lord-Lieutenant ; holds office during pleasure.[2]
20. The National Gallery. Partly ex officio, partly appointed by the Lord-Lieutenant.[3]
21. The Registrar-General's Office. He is appointed and removable by the Lord-Lieutenant.[4]
22. Commissioners of Education. Appointed partly by Statute, partly by the Lord-Lieutenant.
23. The Charitable Donations and Bequests. Thirteen Commissioners unpaid, 2 ex officio, and the remaining 11 appointed by the Crown on recommendation of the Lord-Lieutenant. The actual office consists of only 4 and 1 messenger ; but, according to the estimates, two of them draw £650 each as secretaries and a third £375 as clerk and book-keeper.
24. Public Record Office. Deputy Keeper appointed

Board, but subject to the approval of the Lord-Lieutenant and the Treasury.

[1] Apparently these appointments date back to 53 Geo. III. cap. 107 §§ 1 and 3.

[2] Under the Act of 1903, by cap. 23 §§ (3), (5), (8), (9). As regards the Public Trustee's appointment and salary, see cap. 52 §§ (3) and (4).

[3] 17 & 18 Vict. cap. 99 § 12 ; also partly elected by contributors.

[4] 26 & 27 Vict. cap. 11 § 4. Under § 7 officers, clerks, and servants are appointed by the Registrar with the Lord-Lieutenant's approval.

by the Lord-Lieutenant. There are 7 regular clerks in this office, with salaries averaging £350 a year each.

25 and 26. The Commissioners of Irish Lights. The Crown and Hanaper. Of these there is nothing to say except that their highest appointments are either controlled or virtually controlled by the Lord-Lieutenant.

So lengthy a list as the above can only have one excuse—namely, that the only way to realise the powers of the Castle, the numbers of the Boards, and the scale of their salaries is to go through them in some detail. As regards the salaries, one can only add that in any scheme of reform the interests of the present holders must of course be safeguarded. Any other course would be iniquitously unjust.

At first sight it might seem that it was the Lord-Lieutenant who was supreme, not the Chief Secretary. But this of course is a mere fiction. The Lord-Lieutenant acts under instruction from the Ministry (that is to say, the Chief Secretary), whose duty, it has been laid down, "is to direct him [the Lord-Lieutenant] in his proceedings, and to animadvert upon his conduct if they see him act improperly,"[1] &c. These two sentences are quoted in the text-books of both Unionist and Home Rule writers on the subject.

Moreover, it is the Chief Secretary who possesses the power of the purse.

How is it, some one may ask, that the Chief Secretary, a man who only spends three months a year in Ireland, can possibly get in touch with all the innumerable wires and wire-pullers, familiarise himself with all the work of the Irish boards, and grasp in one hand all the network of Irish government? Well, the truth is, of course, that he cannot possibly do so. No man could. An ex-Chief Secretary lately told Mr. Barry O'Brien that one who feels his responsibilities may perhaps try hard to become a real representative

[1] "Central Government," by H. D. Traill, p. 69.

of all the offices and of all their interests and policies, but if he were ever to succeed he would kill himself.

No; he is a party politician, and as he is only to be in Ireland for four or five years—a short episode in his career—he allows himself to be "run" by the leading permanent officials of his political clique; notably by the great lawyers—sometimes a particularly pernicious influence because they are often political nominees, and, moreover, there seems to be a certain type of lawyer who is physically incapable (just as in the days of Charles I.) of conceiving that the law can possibly be wrong. Thus the Chief Secretary will probably depend largely on the Under Secretary, on the Attorney-General, and on two or three other irresponsibles; on men who during a Conservative regime will simply turn him and turn England into the partisan of a small minority in Ireland. Mr. Long, for instance, was apparently run by Orangemen. Thus it is that under the present regime the Conservatives in Ireland, who form only about one-fifth of the population, can always expect to get at least half of the good posts that are to be had. As a matter of fact they get far more than half.

I have quoted Mr. Long again, most certainly not because I have any feeling against him personally, but simply because he is the classical instance of what a Chief Secretary can do in opposition to the whole people. His nine months of office are chiefly remembered by two attempts; firstly, to reduce Irish representation by twenty-two seats; secondly, his attack on the Irish language. The first failed from a Parliamentary point of view. In the second case, that of the Irish language, he employed other means. Towards the end of 1905 he publicly condemned the system of paying fees for the teaching of Irish. This appears to have been mere electioneering, not a question of economy, because the whole sum involved was only £14,000. But in the following March the fees were withdrawn by a Treasury Order. Thus a question

which aroused bitter resentment throughout three-fourths of Ireland was calmly decided by a man who had only been in the country about three or four months. Its results are noteworthy. As regards mere temporary expediency, Mr. Long did not gain a vote by it. After the 1906 election there were only fourteen Orange members left out of thirty-three in all Ulster. On the other hand, the Gaelic League gained hundreds of subscribers, even among people who never intended to learn the alphabet ; so also, most unfortunately, did some of the more extreme political societies. But even moderate and thoughtful men began to ask questions ; such questions, for instance, as the following : For us the Irish language may or may not be an essential ; but what is the use of our having two education boards if the Treasury decides what subjects the children are to learn? And how often does similar interference occur in the case of the other forty boards for which we are charged six millions a year?

Apart from Treasury orders or minutes, even in Parliament Ireland has very little power over her own expenditure. In the year 1909-10 some £8,370,500 was spent on Irish government—that is to say, handed over to the boards and departments. Of this sum only about £4,700,000 (in round figures) appeared on votes specifically Irish. About £1,500,000 came from the local taxation account, about £2,000,000 came from Parliamentary votes included in English votes, and £165,000 from the Consolidated Fund. In the first case, says Lord Dunraven, it is just possible that the money provided may come under the criticism and, to a very slight extent, under the influence of the Irish Members of Parliament. But in the other cases neither the Irish Members of Parliament nor any other Members of Parliament have any control over the money.[1]

For instance, in the year 1908-9 I find that the

[1] "The Outlook in Ireland."

Home Office sent in a bill of £6,000 to Ireland ; but in their estimates for that year Ireland was not mentioned, consequently this expenditure could not be criticised. The Stationery Department sent in a bill for £45,000, also unmentioned in the previous estimates. These various items amounted in all to about £323,000, over which Ireland has no control any more than she has over the Post Office, the Customs, and Excise, making in all, as I said before, about £2,000,000 sterling. Under this system it is impossible for Ireland to effect savings. She is inextricably entangled in English expenditure. Yet Ireland is a very poor country, in which every two shillings ought to be made to go as far as half a crown.

I now come to Class B of the boards—namely, those which are in reality branches of the English Departments and look to London for policy and directions, but for pay to Ireland. The Board of Trade, which is an Irish branch of the English Board of Trade, the Customs Office, the Stationery Office, the Civil Service Commission, the Post Office, the Ordnance Survey, Woods and Forests, Stock Company Registry Office, and one or two more which do not concern us, such as the War Office and the Royal Navy Reserve Office.

Thirdly, there is Class C of the boards, containing those in which a slightly different phenomenon is observable. The following look straight to the Treasury itself : the National School Teachers' Superannuation Office, the General Valuation and Boundary Survey, the Board of Works, the Registry of Deeds Office, the Treasury Remembrancer's Office, the Registry of Friendly Societies. These can, I suppose, be influenced by the Chief Secretary, but by no one else connected with Ireland.

The chief characteristic of these boards is that one seldom hears anything about them, except in the form of complaints. But whether their actual work gives satisfaction or not, the system on which they are

organised is obviously wrong. They are offices responsible only to an office. So long as the permanent officials at the Treasury are satisfied with them these boards can snap their fingers at any one. If the Treasury likes to assign an extra five or ten thousand out of Irish expenditure to one of them, I do not see how the matter could even be criticised. If the Treasury wished to fill every single one of them with lunatics, as far as I can see these men might remain there until they got their pension.

Another point anent the boards. In the year 1906—that is to say, just after twenty years of almost continuous Tory government—Mr. Jeremiah McVeagh obtained a return of the most highly salaried officials in Ireland, which reveals some striking facts. Out of a total of 1,611 principal posts, no less than 1,392 were held by men who had originally obtained their entry either through nomination pure and simple (626) or accompanied only by a qualifying examination (766). The remaining 219 had entered by "limited competition"—that is, by competition among candidates who had first obtained nominations. So much for the Unionist system.

So far I have spoken only of the salaries. It remains for me to mention the numbers of the officials. Rumour says that there are no less than 100,000 Government employees or pensioners in Ireland. As the whole able-bodied adult male population cannot be more than 1,100,000, this gives a proportion of about one Government employee out of every eleven men in the country. Rumour, however, exaggerates. There are probably not more than 60,000 employees, so that the proportion would, after all, only be one out of eighteen. But if to this number one adds the 180,000 old-age pensioners, one gets a fine total of a quarter of a million souls, or rather bodies, who debit their daily subsistence against Ireland. I say nothing of the military pensioners in the population, of the Militia and Yeomanry, of the Coastguards, or of the

thousands of soldiers quartered over there, because their pay is provided by England.

To her employees the Irish bureaucracy pays out nearly £4,000,000 a year in salaries, pay, pensions, or gratuities—how absurd does this seem for a country such as Ireland! But, including Old Age Pensions, I calculate that about £6,450,000 are paid out of Irish expenditure every year in salaries, pay, pensions, gratuities, and allowances. I do not include travelling allowances, as these are supposed to be out of pocket.

What do we get for it? We are told that there are good men among the officials. But they have never yet had a successful year.

CHAPTER V

IRISH LOCAL GOVERNMENT

By J. A. Glynn

(*Chairman Galway County Council*)

The Local Government Act of 1898 transferred financial power from a wealthy and liberally educated class, amongst whom seats on the Grand Jury descended from father to son almost as regularly as if settled by hereditary right, a class trained by long experience in local administration, to popular representatives who, as a rule, had no experience in such work—who had, in fact, been rigidly excluded from any share in local administration (save such experience as might be gained by serving as Poor Law Guardians or Town Commissioners).

The result has been so satisfactory as to furnish a magnificent proof of the administrative capacity of the Irish people. In the beginning there was no doubt some friction between the Central Authority (the Local Government Board for Ireland) and the local Councils. It would not, perhaps, be an exaggeration to say that the local bodies were looked on with some suspicion at headquarters. Now, however, speaking generally, all friction has disappeared, and the most harmonious relations exist. The local Councils, from the very start, have carried out their duties faithfully and well.

That this is no mere idle or partial statement can best be seen from the Annual Reports of the Irish

Local Government Board, whereof I subjoin two characteristic extracts :—

"Before concluding our reference to the Local Government Act we may be permitted to observe that the predictions of those who affirmed that the new local bodies entrusted with the administration of a complex system of County Government would inevitably break down have certainly not been verified. On the contrary, the County and District Councils have, with few exceptions, properly discharged the statutory duties devolving upon them. Instances have, no doubt, occurred in which these bodies have, owing to inexperience and to an inadequate staff, found themselves in difficulties, and have had to receive some special assistance from us in regulating their affairs ; but this has beenof rare occurrence." (From Report for the first year of the Councils' existence ending March, 1900.)

"The term of office of the first County Councils and Rural District Councils, on whom, with their officers, rests the credit of having successfully assisted in carrying the Local Government Act into operation, expired in June ; and the new Councils, with the experience of the past three years, will, no doubt, endeavour to bring the system into a state of greater efficiency. Attention has been directed to certain political differences which have been introduced by some of the smaller bodies into their ordinary business transactions with reference to the appointment of officers, and the giving of contracts ; but it is only fair to state that these cases have been quite the exception, and not the rule ; they have been promptly dealt with, and we feel confident that the conduct of their affairs by the various local authorities and their officials will continue to justify the delegation to them of the large powers transferred to their control by the Local Government Acts. . . .

Finance.

"In no other matter have the Councils been more successful than in their financial administration. After the heavy preliminary expenses necessarily attending the introduction of a new system of local government had been provided for, and the Councils and their officers had succeeded in obtaining a satisfactory basis on which to make their estimates of future expenditure, they found it possible to effect considerable reductions in their rates, and there seems to be every reason to anticipate that with extended experience there will be a still further general reduction of county rates." (From Report for year ending March, 1902.)

The reports for 1901 and 1903 are to the same effect. Since 1903 the reports of the Local Government Board have been silent as to the working of the Councils; but this is because, the Councils having been by then fully established and working smoothly, no further comment was called for.

On this point of the Councils' efficiency one more quotation may be made from the inaugural address delivered on July 26, 1911, by Mr. Kaye Parry, the eminent engineer, as President of the Sanitary Congress in Belfast. Reviewing the progress made in sanitation and public health in Ireland since the passing of the Local Government (Ireland) Act, 1898, he said that Irish District Councillors

"had shown an unexpected aptitude for local self-government. What they may lack in the cool judgment and steady, plodding perseverance of the average Englishman, he added, is compensated for by their superior intelligence and ready appreciation of the advantages derivable from modern sanitary reform.

"The Englishman who fancies that the Irish farmers or shopkeepers are his intellectual inferiors will suffer a rude awakening when he is brought to book by one of the representative members of a small Rural District Council. The diminution of infectious diseases and the reduction of mortality were the best index of successful local administration, while housing reforms were such that as soon as young men and women found that not only could they obtain employment in the country, but that they could also secure a comfortable home at a rent which was in proportion to their earnings, it was to be hoped and anticipated that many of those who would otherwise have left the shores might see their way to spend their time at home, and do their share in building up a healthy, contented, and prosperous nation."

So much for the Councils' efficiency. A word more as to their financial economy. On this latter point it is curious to observe how all the predictions of our critics were falsified. It was believed that the administration of the local Councils would be marked with extravagance, whereas, taking them on the whole, they

have been so economical as almost to deserve the epithet niggardly. Every Chief Secretary who has had to speak on the subject in the House of Commons has borne testimony to the economy of our Councils.

In this respect my own county of Galway may be taken as fairly typical of Ireland. During the period which has elapsed since the Act was passed the Galway County Council has been responsible for the expenditure of well over £1,500,000. This expenditure has been subjected to half-yearly Government audit, which has always been careful and strict, and has at times been thought to be hyper-critical, and there has never been a surcharge. Could there be a better proof of the conscientious observance of statutory obligations and limitations?

To those who would object that satisfactory audits only prove that what the Councils did was legal, and that there are also to be considered the points of view of the community at large desiring efficient and progressive administration, and the ratepayer desiring economy, it may be answered that the people have given steady support to their elected representatives. A very considerable proportion of the members of the existing Councils have served from the beginning ; the services of others have been lost through illness, old age, or death. The withdrawal of public confidence has accounted for the disappearance of very few indeed.

Having dealt with the questions of the efficiency and economy of our Councils, I should like to notice the charge of intolerance towards our Protestant fellow-countrymen which has been made against the Councils in regard to their appointments of officials. This is a charge which is so repugnant to my sense of common justice that I must deal with it a little more particularly, and as I can only speak from personal experience of my own county of Galway, I will confine myself to stating what I can prove.

On the general question, however, I may again refer to the Local Government Board report for the year

1902, where it is stated that *political* differences had been introduced with reference to the appointment of officers, and that even these cases were exceptional. No reference whatever has ever been made by the Local Government Board to religious differences causing trouble; and it must be borne in mind that the heads of the Local Government Board are Protestants, and if they saw religious intolerance on the part of the Catholic Councils they would not hesitate to say so.

There are, it is true, no Protestant members of the Galway County Council, and I believe that no Protestant ever sought election to the County Council. This is because practically all the Protestants in the county, of whom there are only 5,329 out of a total population of 192,619, are Unionists, and, as such, have no chance of election to the County Council. To the District Councils they have secured election whenever they sought it.

Under these circumstances if the charge of intolerance were true it must be seen in the personnel of the various committees appointed by the County Council. Let us examine the question from that standpoint. The chief committee is the Ballinasloe Asylum Committee. By Act of Parliament the Galway County Council appoint 12 members, 8 of whom must be County Councillors. There are, therefore, only 4 non-members of the County Council, and one of these is the Protestant Bishop of Tuam. The next county-at-large committees are the Committees of Agriculture and Technical Instruction. The former consists of 55 members and includes 9 Protestants; the latter of 60 members and includes 10 Protestants, the Protestant bishop and the principal Protestant rectors in the county being members. The county is divided into a number of Pension Sub-Committees for the administration of the Old Age Pension Act, and practically every sub-committee has the Protestant rector of the district on it. Some districts, such as a few in Connemara, which have no Protestant representative, have practically no Protestants living there. There are 21 sub-com-

mittees, and the Protestants are represented on 13 of these. Some of these districts to my own knowledge have very few Protestant inhabitants.

In the working of these committees the greatest harmony exists between the members of the different persuasions.

Now with regard to appointments, it must be remembered that prior to 1898 fully 90 per cent. of the positions under the Grand Juries were held by Protestants. In the County Galway, for example, with Protestants in the proportion of about 3 per cent. to the total population, the principal posts in the county viz., Secretary to Grand Jury, County Surveyor, and doctors in the asylums were held by Protestants.

The Secretary has been retained on his former salary, though, had we been minded to redress the balance, he could have been pensioned on cheap terms, as he was young and had only a few years' service. With regard to the Medical Superintendent of the Ballinasloe Asylum it is true we promoted a junior Catholic over the head of a Protestant colleague. But full and public notice of our intention was given when the Protestant doctor was appointed under the old system to an asylum where 95 per cent. of the patients are Catholics. It was felt, and I think not unreasonably, that the superintendent of an asylum containing 1,200 inmates, almost all Catholics, ought to be of the same religion as the vast majority of the inmates. That the Committee was not actuated by religious intolerance on this occasion is shown by the fact that when some time subsequently the Protestant doctor sought a Government appointment the Galway County Council passed an unanimous resolution asking the Government to appoint him to the vacant post.

Within the past years the post of Veterinary Inspector in Galway Union having become vacant it was filled by the appointment of a Protestant.

Of 15 officials appointed by the Committees of Agriculture and Technical Instruction 4 were

Protestants, all of these appointments having been made since 1901.

With regard to the District Councils, the Chief Secretary, in introducing the Bill for 1898, expressed a hope that in constituting the two-member constituencies, which incidentally have made these Councils somewhat unwieldy, the people would elect one of the landlord class in each division and thus give fair representation to each class in the country. The hope of the Chief Secretary as to the election of landowners on the local Boards and District Councils was not fulfilled for two reasons. First, in many cases the old ex-officio element did not seek election in any numbers, and, second, the entire want of sympathy between the landowning class and the people in their political ideals caused the farming classes to elect people from their own class.

This was subject to very many important exceptions. In cases where the landlord lived amongst his tenantry he was usually elected to the District Council if he sought election.

In one case in the Tuam Union a large landowner sought election, and having beaten a local farmer, actually refused to take his seat, stating that he merely sought election to show that he could win, and having won would not condescend to sit with the people's representatives. It is only just to say that this spirit was not generally shown, and that local landlords who were elected have since been re-elected and have been valued members of the various District Councils. A recent example of the tolerance of the people in this respect was seen at the late elections, when Lord Ashtown, notorious for his "Grievances from Ireland," actually beat the secretary of the local branch of the United Irish League.

The fact is, in my opinion, that this cry of religious intolerance in the west and south is simply part of the game of the old ascendancy party. They had held the reins of government and so long filled all offices worth having in this country, that they had come to

look upon remunerative offices as their right. Calling themselves "England's Faithful Garrison in Ireland," they had bullied every English Government in turn. They know they have never been persecuted in Ireland and they know they never will be persecuted ; but so long as the cry of persecution and intolerance is believed in England they will keep it up. That feeling is now confined to a section only of our Protestant fellow-countrymen, chiefly in the north-east. Elsewhere we have worked side by side for the good of the country, and in all our public movements, whether industrial or otherwise, we have seen nothing but mutual respect and toleration shown. Thirteen years' experience as a County Councillor, during ten of which I have been Chairman, has convinced me that our Protestant fellow-countrymen have nothing to fear from the Catholic majority. The only lines of cleavage are drawing together, and everywhere we find a new spirit growing up in the land. The sense of responsibility which the grant of local government has created is such that the grant of full national self-government will only bring in its train a still further sense of their responsibilities to our people. I am convinced that in the New Ireland of the future we shall have Protestants and Catholics working harmoniously side by side for the good of their common country.

CHAPTER VI

HOW FAR IRELAND IS ALREADY SEPARATELY GOVERNED

By H. de R. Walker

The problem of Home Rule for Ireland is again in the forefront of English politics, and it will be discussed in all its bearings by advocates and opponents alike. But there is one side of the question which has hitherto received insufficient attention, and that is the extent to which Ireland under the United Kingdom is, in fact, separately governed at the present time. It is the object of this chapter to state, not what should be done under any scheme of Home Rule, but, in its broadest and most general outlines, what is the actual system of government in its relation to Ireland. As a result of this survey, showing the divergent developments in the government of Ireland and England, a distinct indication will be found as to the form in which Home Rule could most easily be dove-tailed into, or built upon, existing arrangements.

In this connection it is necessary to remember, without going into unnecessary details, that the Union of 1800 between Great Britain and Ireland, in contra-distinction to that between England and Scotland, was, in fact though not nominally, a union between a superior and a subordinate, that the terms were practically dictated by Great Britain, and that they were based upon the assumption of Ireland's inferiority. Thus Scotland, while retaining its separate legal and ecclesi-

astical institutions, was treated as an equal, and was united with England in one Parliament and under a single Executive Government. That the latter arrangement has not given satisfaction in Scotland, and that a separate administration has now been conceded is of importance to our present purpose as evidence, independently of what has happened in Ireland, that a single administration cannot properly manage the affairs of either Scotland or Ireland as well as of England. For Ireland not only had a separate administration before the Union, but has continued to have one up to the present time.

The distinct character of Irish administration has, however, been sufficiently dealt with in Mr. Berkeley's chapter, and it will suffice to point out that Home Rule on its administrative side could be set up without any very great initial change in the actual machinery of government. And this question of machinery should not be brushed aside as insignificant. No doubt Home Rulers may say that what they care about is not so much the institution as the spirit that is behind it, and that they are mainly concerned to secure the full control of Irish affairs by Irishmen. But they should realise that it is a great argument in their favour that the instrument is ready to their hands, and they may claim that it is hopelessly illogical, judging by the practice among democratic communities, to maintain a separate Irish Executive and yet to keep it aloof from that contact with popular opinion which could alone justify its separate existence.

Nor need we here dwell on finance, which has also been discussed by other writers in this volume, beyond drawing what appears to be a relevant distinction between the present systems of taxation and expenditure.

There is no separate taxation of Ireland which the Home Ruler can claim as an argument for giving powers of taxation to an Irish Parliament. He may contend that an Irish Parliament and Irish Executive would be crippled unless Ireland also had separate

powers of taxation, but he must not look for support in the present system as it has been developed, no doubt for the general convenience of the United Kingdom, under a unified Government. It is, however, otherwise with the expenditure. In spite of the natural tendency towards unification, we have Acts allocating funds separately in England, Scotland, and Ireland ; we have also other Acts, relating principally to Ireland, which, though not primarily financial, make a separate allocation of monies in one of the three countries. The Home Ruler, however, will find his strongest argument in the separate Irish Estimates, which follow almost inevitably upon the existence of the separate Irish Executive. These Estimates are submitted to the House of Commons as approved by a Cabinet in which there may not be a single Irishman ; and they are discussed before an Assembly in which the Irishmen have less than one-sixth of the representation, and in which the Nationalists, though the most numerous Party from Ireland, are liable to be outvoted on a purely Irish matter by a majority drawn from Great Britain, which is out of touch with Irish opinion. But the point to be made here is, not so much the injustice to Ireland as the fact that it has been found necessary to have separate Irish Estimates, and the argument to be drawn therefrom for allowing Irishmen to manage their separate Irish expenditure in their own way.

And if this lesson is to be derived from a study of the financial procedure of Parliament, still more strongly will the impression be confirmed when attention is directed to its practice in the matter of general legislation. But it should first be stated that the legislation has been very carefully discussed in his "Federation and Empire"[1] by Mr. T. A. Spalding, who has analysed the statutes from the Act of Union between England and Scotland up to those of the decade of 1881-90, and any one who follows

[1] "Federation and Empire," by T. A. Spalding. H. Henry & Co., 1896.

in his footsteps must not only be greatly indebted to Mr. Spalding, but cover much the same ground and draw very similar inferences from the investigation. It may be added that Mr. Spalding has not carried his examination of the statutes beyond the year 1890, and that the present writer has been encouraged by him to supplement the inquiry in order to see how far the legislation of the last twenty years may substantiate or modify his conclusions.

In the sphere of legislation the third article of the Act of Union ordains that "the said United Kingdom be represented in one and the same Parliament, to be styled the Parliament of the United Kingdom of Great Britain and Ireland." Of course those words do not specifically state that the same laws are to be passed for Great Britain and Ireland, but, in view of the difference in the language here used from that which is used in regard to administration and finance, it may be assumed that there was a desire to secure as far as possible identical legislation. It is therefore significant that, during the last twenty years, with regard to Public General Acts alone, the Acts designated in the index to the annual volume of the statutes as "United Kingdom" are barely more numerous than those with a narrower designation. The exact proportions are 50·3 and 49·7 per cent., as will be seen from an abbreviated tabular statement :—

PUBLIC GENERAL STATUTES 1891–1910.

	United Kingdom.	All others.	Total.
1891–1895	168	156	324
1896–1900	127	180	307
1901–1905	106	82	188
1906–1910	146	124	270
Total ...	547	542	1,089

The "United Kingdom" Statutes are those which apply to the Dominions, the Colonies, or India, as well as those which apply to the United Kingdom as a whole; the others apply to England, Scotland, or Ireland alone, to any two of these three countries, or, in a very few cases, only to the Channel Islands or the Isle of Man.

Now, in his figures for the two previous decades, Mr. Spalding finds that the "State" laws, to use his convenient title for those which do not apply to the whole of the United Kingdom, outnumber very largely those which do so apply; but he includes the Public Locals, which amount for the "States" to an annual average of 26·2 laws for the earlier and 48·7 for the later of these two decades. If we omit these statutes, since most of them are now accepted without any parliamentary discussion, and make certain other adjustments in order to put Mr. Spalding's figures on the same basis with those set out above, the table will read as follows, giving a proportion respectively of 42·9 and 57·1 per cent. of the total numbers that are here enumerated:—

PUBLIC GENERAL STATUTES 1871–1890.

	United Kingdom.	All others.	Total.
1871–1880	379	493	872
1881–1890	306	419	725
Total ...	685[1]	912[1]	1,597

[1] The rise during the last twenty years of the proportion of the United Kingdom Statutes to the others, as shown by a comparison of this and the previous table, is largely accounted for by the increasing habit of legislating by orders promoted by Government departments, which, even when parliamentary sanction is required, are not included among General Statutes; and to the fact, also due to the congestion of parliamentary business, that "State" legislation is apt to go to the wall in favour of general financial legislation and other matters which brook no delay.

The mere fact that half the General Statutes passed by the Parliament of the United Kingdom do not apply to the whole of its area entails consequences which should not be overlooked. For the result is that many measures are brought forward by which a member's constituents are not affected and in which they take no interest whatever. Nor can this anomaly be ended by any other means than by the delegation of exclusive control over their internal affairs to legislative bodies in England, Scotland, and Ireland.

Moreover, the mass of diverse work thrown upon our Parliament, exceeding in variety and quantity that of every other Legislature in the world, has caused a deplorable congestion of the business. In these circumstances it is inevitable that there should have arisen an intense rivalry between the several claimants for parliamentary attention, and representatives of the different countries form themselves into groups to press for the introduction of the measures in which their constituents are particularly interested. This is an unsatisafctory state of affairs, easily lending itself to log-rolling, for which the only real remedy is, as in the case just mentioned, the removal from Parliament of much of its existing work by delegation. It may be said that internal remedies should first be tried; but these have been discussed and tried time after time for the last thirty years, and they only strengthen the hold of the Cabinet over the House of Commons without in any way getting down to the root of the mischief.

And the remedy here proposed has a further recommendation arising from the fact that the most important subjects before Parliament of recent years have been, on the one hand, constitutional and financial questions, on the other, questions such as education and licensing, upon which separate laws are already passed for England, Scotland, and Ireland. The former questions would then be left to the Parliament of the United Kingdom, the latter would be relegated to the "State"

Parliaments ; and in neither case would there be that hurried and insufficiently considered legislation which, though perhaps, in existing conditions, a necessary evil, is none the less an evil that must be very seriously deplored. And we should also avoid a certain confusion between the issues affecting the United Kingdom as a whole and those which affect either England, Scotland, or Ireland alone.

But from whatever point of view the matter be looked at, either of the additional work thrown upon Parliament or of the practical aspect of an English member's votes, for instance, upon a purely Irish measure, it will be asked why separate laws on so many subjects are in fact passed for England, Scotland, and Ireland. This is not done by preference. Mr. Spalding quotes [1] Viscount Cross as having said that he would never consent to separate Bills where one would do, but in many cases separate Bills could not be helped. This opinion was not given very recently, but it would certainly hold good at the present time. The authorities are always anxious to attain their object through a single statute, in the manner thus described by Sir C. Ilbert [2]: "In the case of English Bills applying to Scotland or Ireland, or both, the practice is to draw them in the office of the Parliamentary Counsel, and to attach to them 'application clauses' which are left in blank, and of which the details are filled in by the Scotch or Irish draughtsmen." This procedure, implying that the body of the Bill is based on English conditions and drafted by Englishmen for England, may work fairly well if the application clauses can be simple ; but where this is not the case the objections to the method are manfest, and they are brought out very clearly in the Inebriates Act, 1898. The governing sections in that Act are the first and second, which provide for the detention of criminal

[1] "Federation and Empire," p. 52.
[2] "Legislative Methods and Forms," The Clarendon Press, 1901, 90.

habitual drunkards, and after the steps to be taken have been developed at considerable length, we suddenly find that sections 1 and 2 are not to apply at all in Scotland, but to be replaced by something different ; and, as if the confusion thus introduced were not sufficient, we then have a section with seven subheadings further modifying the application to Scotland, and another section with nine subheadings which regulates the application to Ireland.

The multiplication of separate statutes for England, Scotland, and Ireland, to such a number as to make them collectively almost as numerous as those which apply to the whole of the United Kingdom, must therefore be due solely to the necessities of the situation. As regards Ireland, Mr. Bernard Holland has put the point very well when he says [1] that " there is a whole body of land law dissimilar to that in England and Scotland, the education system is different, there is no Established Church, the police system is on a different basis, there is a body of peculiar criminal law which can be called into force for any district by a stroke of the Lord-Lieutenant's pen."

So much for the general position. Mr. Spalding, by a careful analysis of all the statutes from the Act of Union with Ireland up to the year 1890, has been able to go into greater detail, and he finds that Parliament has been unable to legislate by statutes applying over the whole of the United Kingdom, whenever it has had to deal with the administration of justice and the laws relating to any of the following subjects : the tenure and occupation of land ; the holding, transfer, and devolution of property (including land) ; the Church ; the poor ; local government, rural and urban ; roads, railways, and canals ; and education.[2]

Mr. Spalding's studies, however, were not carried on to a later date, and the writer has now attempted a similar work for the years from 1891 to 1910. The

[1] " Imperium et Libertas," Edward Arnold, 1901, pp. 254–5.
[2] " Federation and Empire," p. 315.

STATES (England, Scotland and Ireland, separately, and Combinations of any two of them).

Date.	Imperial.	Army and Navy.	Conditions of Employment.	Benefit.	Finance.	General Administration.	Trade and Commerce.	Traffic.	Law and Justice.	Land and Agriculture.	Local Administration.	Education.	Poor Law.	Church.	Total.
1891–5 ...	—	—	—	—	3	7	9	4	40	23	49	9	4	3	151
1896–1900	—	—	—	—	10	10	6	4	43	11	55	10	15	10	174
1901–5 ...	—	—	—	—	4	8	9	—	9	7	23	11	4	2	77
1906–10 ...	—	—	—	—	—	7	12	—	31	22	34	10	2	1	119
Total ...	—	—	—	—	17	32	36	8	123	63	161	40	25	16	521

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Date.	Imperial.	Army and Navy.	Conditions of Employment.	Benefit.	Finance.	General Administration.	Trade and Commerce.	Traffic.	Law and Justice.	Land and Agriculture.	Local Administration.	Education.	Poor Law.	Church.	Total.
1891–5 ...	24	15	10	6	37	40	6	4	16	7	3	—	—	—	168
1896–1900	12	25	9	5	30	21	12	1	4	4	4	—	—	—	127
1901–5 ...	13	18	5	2	29	20	9	3	5	1	1	—	—	—	106
1906–10 ...	15	14	10	5	28	31	18	—	14	8	3	—	—	—	146
Total ...	64	72	34	18	124	112	45	8	39	20	11	—	—	—	547

figures are the same as those given on a previous page, where the division was made between the statutes which apply and those which do not apply to the whole of the United Kingdom, except that the twenty-one Acts which apply to the Isle of Man or the Channel Islands alone are here omitted.

Here, then, is the classification for the last twenty years, which, it will be noticed, begins with the subjects upon which Parliament always legislates for the whole of the United Kingdom, ends with those on which Parliament never so legislates, and enumerates in the middle those which lie at various points between the two extremes. Among them is finance, as to which no more need be said, as it has already been discussed in an earlier part of this paper. The Army and Navy, in the heading with which are included not only Naval and Military Works Acts, but any Acts dealing with the Territorial and Reserve Forces, would obviously, in any delegation of powers, remain under the jurisdiction of the Central Parliament. Hence the legislation would continue to be uniform, as would be that which has been classified as "Imperial." Here we have the Acts promoted by the Foreign, Colonial, and India Offices. Those of the Foreign Office are mainly concerned with giving such legislative sanction as may be required to conventions or treaties with Foreign Powers, or with the interests of British subjects abroad; while the Colonial and India Office Acts are not properly Acts of the United Kingdom at all, but Acts of the British Empire. And they have been enumerated separately in the classification simply in order to show that no delegation downwards, if the expression be permitted, would affect the anomaly of what are really Imperial statutes being passed by the Parliament of the United Kingdom.

At the other end of the scale are Education, the Poor Law, and the Church, upon none of which was a single Act passed in the twenty years which applied to the whole of the United Kingdom. We thus see that

what may be called the "State" subjects have held their own in the successful assertion of the necessity for separate treatment for each of the three countries; and no one can doubt that, in any scheme of delegation, all these subjects must be among those that are delegated. But a great deal more may reasonably be conceded. There are other headings in which the "State" legislation greatly predominates; and even where it does not do so, it must be remembered that the enactment of a single statute for the whole of the United Kingdom has only been rendered possible in some cases by an abuse of the system of "application clauses" for Scotland and Ireland. A few words may therefore be added on each of the headings that have not yet been mentioned in detail.

Benefit and Conditions of Employment.

The Acts under these headings apply in every case to the whole of the United Kingdom, and they have been put together here because both are entirely concerned with the interests of the working classes. Those which are classified as "Benefit" include the Workmen's Compensation Act, where the State secures a benefit for the worker at the expense of his employer, as well as the Friendly Societies, and Industrial and Provident Societies, the Savings Banks, and Old Age Pensions Acts. These Acts are not confined to the period under review, since the Savings Banks Acts date back to the early years of last century, and a start had been made with workmen's compensation in the Employers' Liability Act of 1880; but they serve to exemplify an increasing sphere of legislative activity, to which the National Insurance Bill has given added prominence, necessitating serious discussion when the division of powers under any Home Rule Bill is under consideration. Where any proposal would involve a heavy pecuniary outlay, there is much to be said for leaving the power to the Parliament of the United Kingdom;

but of course it may be argued, on the other side, that the poorer country might be satisfied with a less ambitious scheme.

The Acts classified as concerned with "Conditions of Employment" are under the administration of the Home Office and Board of Trade. The first of these departments is the supervising authority under various Acts affecting coal-mines, shops, quarries, and the employment of women and children; the Board of Trade not only looks after the interests of railway servants, but has recently been brought into closer touch with industry through its relations with the newly established Labour Exchanges and Trade Boards, and generally it now exercises many of the functions of a Ministry of Labour. And whether these functions should be transferred or not under Home Rule will depend upon the decision whether it is desirable that industrial conditions, so far as they are affected by legislation, should be uniform, as they are now, throughout the whole of the United Kingdom.

Trade and Commerce.

Acts dealing with Trade and Commerce are often closely connected with those that have just been reviewed; but there is an additional reason for the juxtaposition in the fact that the Merchant Shipping Acts, which always apply to the whole of the United Kingdom, have been divided between the last and the present headings. The classification depends upon whether the Act is concerned with the interests of the seamen or with some general question of navigation.

On the subject generally there are a few clear lines of demarcation. Acts regulating patents and designs, or copyright, or imports, as in the hall-marking of foreign plate, and Acts concerned with business, whether through public companies or through marine or other insurance companies, are "United Kingdom" Acts without exception. On the other hand, Acts relating to licensing and to fisheries, though of course only

as regards fishing in territorial waters, are passed separately for the three countries, and it may be agreed that the division made by Parliament might well be perpetuated under Home Rule. At any rate, the licensing question is essentially suited to local treatment, and it should be arranged that any financial adjustments which it may involve should affect the particular country concerned, and not the Treasury of the United Kingdom.

Other "United Kingdom" Statutes under this heading are those dealing with such miscellaneous matters as the sale of goods, moneylenders, the census of production, poisons and pharmacy. Uniform legislation is here, no doubt, for the public convenience under existing conditions, and there is in most cases no corresponding drawback in the necessity for "application clauses" for Scotland and Ireland.

General Administration.

Among the "United Kingdom" Acts of general administration are the numerous statutes relating to the conduct of the business of the great departments of the Government. The Post Office constantly asks for parliamentary powers with reference to strictly postal affairs or to telegraphs, telephones, or wireless telegraphy. The source of the legislation upon these subjects under Home Rule would obviously depend upon the extent of administrative delegation; but, while such laws, and those authorising the acquisition of land and buildings for new offices, are necessary for the smooth working of the governmental machine, they are of an altogether uncontentious character. In this category are also the Aliens and Naturalisation Acts which would necessarily continue to be included among the functions of the Parliament of the United Kingdom.

The "State" Acts in this class include the Lunacy Laws, which are different for the three countries; certain Acts transferring powers to the Secretary for

Scotland ; the Midwives Act, 1902, which is only in force in England and Wales ; and the Ancient Monuments Protection, and Census, Acts which have been passed separately for England and Scotland and for Ireland. In the case of the Census a separate Act is passed for Ireland because in that country alone is a question as to religious persuasion included among the inquiries.

Traffic.

The heading includes communication by rail, road, or canal, and the legislation is mainly effected by Local Acts promoted by private companies, and by Provisional Orders Confirmation Acts introduced by the Board of Trade under Parliamentary authority.

Law and Justice.

This heading is a comprehensive one, and contains more entries than any other upon the list. It is also the first of those in which State Acts predominate in number over those of the United Kingdom, the reason being that, as the systems of judicature are distinct in the three countries, it is also necessary to legislate in regard to them by separate Acts of Parliament.

The 123 State Acts include, therefore, a large number of measures dealing with the machinery of the administration of justice in all its bearings. In this category are also, almost exclusively, the Acts regulating the possession, management, and disposal of property, and the rights of married women ; the Industrial and Reformatory Schools Acts ; and the Acts prescribing or modifying the punishment for certain offences.

When, however, it has been desired to lay down certain general principles applicable to the treatment of criminals, as in the Probation of Offenders Act, 1907, and the Prevention of Crime Act, 1908 ; or to penalise actions not previously entailing liability to judicial proceedings, as in the Street Betting and Pre-

vention of Corruption Acts, 1906; or, again, to protect children, as in the series of measures leading up to the important statute of 1908, Parliament has passed "United Kingdom" Acts. But the advantage of such a course is problematical. If the purpose can be stated in simple language, there is an obvious saving of time in a unitary statute, so long as there are not one or more subordinate Parliaments which may take the matter out of the survey of the Parliament of the United Kingdom. If, on the contrary, there is any considerable reference to judicial proceedings, the form of the Inebriates Act, 1898, to which attention has already been drawn, shows conclusively that as different language must be used to secure enforcement under the judicial systems of each of the three countries, it is preferable to proceed by the method of three separate statutes.

A few Acts, touching upon the international aspects of crime, of which the Extradition Acts are an example, must clearly continue within the sphere of action of the Parliament of the United Kingdom; the Trade Disputes Act, 1906, fits into the wider frame; and, though the marriage laws are not identical in the three countries, it was acceptable that the long controversy regarding marriage with a deceased wife's sister should be settled for all of them by a single Act of Parliament.

Land and Agriculture.

As the "State" Acts outnumber the "United Kingdom" Acts under this heading in the proportion of three to one, there is a strong presumption in favour of the delegation of legislation dealing with land and agriculture; and since the land systems are different in the three countries, such separate legislation can scarcely be avoided. But, in regard to the Irish position, the land laws and the whole land system are so distinct that entirely separate legislation is inevitable.

Among the twenty "United Kingdom" Statutes are

the Fertilisers and Feeding Stuffs Act, the Butter and Margarine Act, and several measures in regard to the diseases of animals. But, while the importance of preventing the spread of such diseases is manifest, each country is in a position to adopt the protective action that may be necessary, and it would be a pity to limit the delegation of a branch of legislation in which the interests of the three countries are separately concerned.

Local Administration.

Local government is different in the three countries, and is regulated by distinct Acts of Parliament. It is, therefore, of course, found under the heading "Local Administration," which covers all the functions of local government except Education and the Poor Law, that the "State" Acts are in an overwhelming majority. They are concerned with such matters as Public Health, Housing, Public Libraries, the Police ; and, as the activities of local authorities now cover the supply of water, gas, and electricity, general Acts dealing with these and cognate subjects are here included.

The Unemployed Workmen Act, 1905, is the only important statute under this heading that applies to the whole of the United Kingdom. Uniform legislation has also been passed in regard to the notification of births, some aspects of the housing question, and a few other matters ; but there can surely be no doubt that the supervision over the whole range of local government should be delegated, especially in view of the marked difference between the systems in the three countries.

* * * * *

To what conclusion, then, should this study lead us? The administration of Ireland is largely carried on separately from that of the United Kingdom, and the tendency is all in the direction of greater differentiation, in Scotland as well as in Ireland ; but the main

advantage which should be derived from this separation, that the Irish administration should be conducted in harmony with the wishes of Irishmen, is not realised because it is under the control of Ministers who are responsible to a predominantly English House of Commons. Separate Irish administration has brought in its train separate Irish Estimates, and, to some extent, separate Irish financial legislation ; but the Estimates and the financial legislation which apply solely to Ireland are also determined by a predominantly English House of Commons. And similarly with general legislation. Though the institutions of Ireland are so different from those of England and of Scotland that, in most of the matters which closely affect the happiness of Irishmen, separate laws are of necessity passed for Ireland, yet the character of these laws is decided, not by the Irishmen who have to live under them, but by a predominantly English House of Commons. And for this illogical and undemocratic condition of things there is but one logical and satisfactory solution. It is the grant of Home Rule to Ireland, which is thus seen to be no new-fangled, revolutionary expedient, but to fit in, along the path of orderly development, with our existing political institutions.

CHAPTER VII

THE LAND QUESTION

By Erskine Childers

The Irish land question, regarded as an historical whole, is a long, intricate, and intensely melancholy story, into which I shall not enter far in the course of this short paper. But it is absolutely necessary to recall briefly the few salient historical facts which explain the origin of the modern land problem.

By the confiscations and plantations of the seventeenth century, culminating in the arrangements made in William's reign after the revolutionary war, nearly the whole of the land of Ireland was transferred from the natives of the soil, who formed three-quarters of the inhabitants, to the British colonists. The conquered race being Roman Catholic, it was easy to confirm and stereotype this huge dislocation of property by enactments against religion. Under the penal code constructed at the end of the seventeenth and the beginning of the eighteenth centuries, Roman Catholics were forbidden to own land, or to lease land for a longer period than thirty years, and even such leases were expressly prevented from being of a beneficial character. Combined with the other enactments of the code and succeeding upon the universal ruin caused by the confiscations themselves, these laws produced the natural and the desired effect. The great mass of the peasants became serfs, with none of the legal rights or legal immunities possessed by tenants of the soil in all healthy

communities, and consequently with no stimulus to the improvement either of the land or of their own lot. If Ireland had been an independent country and the colonists had been forced to rely on their own resources and live on their own lands, it is probable that in spite of all racial and religious obstacles some sort of healthy relation would have grown up between the owners and occupiers of the land; but from the first it became the habit of a large number of the great landlords to live in England or in Dublin and receive rents through middlemen and sometimes several sets of middlemen, each of whom made an additional profit out of the ultimate occupier of the soil. Thus grew up the most vicious and ruinous of all systems of land tenure. The actual resident rent-collector felt no responsibility for the welfare of the occupier, put no capital into the land, extorted the last farthing of rent from the peasant, and was often of a dissolute and worthless character. Collateral evils in the shape of burdensome tithes, enclosures of commons, the conversion of the best land from tillage into pasture, and the minute subdivision of holdings on the worst agricultural land, aggravated the misery of the peasants, while the laws in restraint of trade, passed to prevent competition with English merchants and manufacturers, arrested the growth of industries, drove into exile the most intelligent and capable Roman Catholics, to whom the penal laws closed all careers but that of commerce, and forced continually back upon the land all that surplus population who might naturally have turned to industry.

The relaxation of those of the penal laws which were directly aimed at property came too late to improve in any material degree the condition of the agricultural tenants. At the time of the Union the great majority were cottiers or tenants at will, with no security of tenure and no right to the value of their own improvements. Herein, of course, lay the fundamental difference between English and Irish systems of land tenure.

In England the landlord put his capital into the land and supplied an equipped farm. In Ireland he was a rent-receiver who supplied the bare land and exercised almost autocratic rights of evicting the occupier and confiscating his improvements. These harsh measures were facilitated by the continuous competition for land as the sole means of subsistence, apart altogether from profit, of a teeming multitude of peasants whose only resource, short of emigration or starvation, was to submit to a rack-rent which, in seasons of low prices for produce or bad crops, they were unable to pay. The system was incompatible with social order, and led to constant outbreaks of agrarian crime for which a whole code of coercive legislation had to be framed.

In one part of the country only, North-East Ulster, where the majority of the tenants, as well as all the landlords, were Protestant colonists, had a more humane and rational system been evolved, but not even here by a natural process. At the time of the original plantations some shadowy form of tenant-right seems to have been promised to the occupying colonists, but the right lapsed, and was only regained after twenty years of sporadic lawlessness, beginning in 1755 and reaching its height in the land war of 1770-72. At the end of the eighteenth century the Ulster Custom, which secured to the tenant a vaguely defined but substantial right to the value of his improvements—a right which he could sell to a new tenant—was firmly established.

Over the rest of Ireland all genuine land reform during the course of the nineteenth century, apart from the policy of State-aided purchase, took the shape of tardy attempts to give direct statutory expression to the Ulster Custom, and to graft upon it the principle of a fair judicial rent. Nothing really substantial was done for eighty years—that is, until Gladstone's great Land Act of 1881, establishing the three F's : a Fair rent, fixed by a judicial tribunal and revisable every fifteen years ; Fixity of tenure so long as the rent was

paid, and Free sale of the tenant-right, that is to say, of the goodwill (so to speak) of the tenancy and the value of the tenant's capital and improvements. This Act, with the important amending Acts of 1887, 1891, and 1896, which, among other points, extended the law to leaseholders and dealt with the question of arrears of rents, forms the charter of the Irish occupying tenant to-day, as distinguished from the embryo freeholder who is buying his holding under the Purchase Acts.

I now turn to this wholly distinct branch of genuine land reform—the transference of the soil, through State-aided purchase, from the landlord to the tenant.

There are three phases :—

1. Bright was the first British statesman to see and maintain that no healthy and lasting readjustment of the relations between landlord and tenant in Ireland could ever be made by law. He advocated State-aided purchase ; and in the Church Act of 1869 and the Land Acts of 1870 and 1881 clauses were inserted allowing the State to advance money for that purpose. The conditions, however, were onerous both to landlord and tenant, and only 7,665 out of more than half a million tenants were able to avail themselves of these purchase clauses.

2. The Tory Ashbourne Act of 1885 was the first successful measure of the kind. Five millions were advanced under it, and 5 millions more under an extending Act of 1887. Next came the Act of 1891 empowering the loan of 33 millions, followed by the amending and simplifying Act of 1896. These Acts form a body of legislation by themselves, of which I can refer only to a few salient characteristics. They were all alike in settling the tenant's annuity (in lieu of rent) at 4 per cent. on the purchase money, though the proportions allocated to interest and sinking fund varied. Under the first two Acts the period for final redemption of his loan by the tenant was 49 years, under the third 42 years. I must add that the average price of the holdings sold under these Acts

represented 17½ years' purchase, and that the great inducement to buy, from the tenant's standpoint, was that by the aid of cheap State credit the annuity he paid even over so short a period as 49 years represented a reduction of more than 20 per cent. on his existing judicial rent. Under the first Act, that of 1885, the landlord received the purchase money in cash; under the other two, in guaranteed 3 per cent. or 2¾ per cent. stock, an arrangement which suited him very well as long as Government stocks maintained the high level which they reached in the period preceding the South African War. With the heavy fall in stocks during and after the war purchase came to a standstill. The net result of the operations under all the Acts from 1885 to 1896 was that close upon 24 million pounds were advanced to 72,000 tenants, occupying about 2½ million acres, out of the total of 18,740,000 acres which constitute the agricultural area of Ireland.

3. Once begun, purchase had to be continued, if for no other reason than that the purchasing tenant paid in annuity a substantially lower sum than the non-purchasing judicial tenant paid in rent, with the additional if distant prospect of an absolute fee-simple in the future.

Mr. Wyndham, acting on the recommendation of a friendly Conference between landlords and tenants, took the bull by the horns in 1903 and carried the great Land Act of that year. Under the Wyndham Act the system of cash payment to the landlord, dropped since 1891, was resumed on a basis calculated to give a selling landlord a sum which, invested in gilt-edged 3 or 3¼ per cent. stocks, would yield him as much as the second term judicial rents in the holdings sold, less 10 per cent. representing his former cost of rent collection; while the annuity payable by the tenant in lieu of rent was reduced from 4 to 3¼ per cent., of which 2¾ per cent. was interest on the purchase money advanced, and

½ per cent. was sinking fund. This reduction involved an extension of the period of redemption from 49 to 68½ years. The annuity payable was calculated to represent a reduction of from 15 to 25 per cent. on second-term judicial rents. Since the gross income of the landlord was to be reduced only by 10 per cent., on a basis of 3 per cent. investments, while the annual payment by the tenant was to be reduced by an average of 20 per cent., clearly there was a gap to be filled up, and this gap was filled by a State bonus to the selling landlord of 12 per cent. on the purchase money—a bonus which went wholly to him personally, clear of all reversionary rights under settlements. A sum of £12 millions altogether was to be expended on the bonus.

In addition to direct sales between landlord and tenant through the Estates Commissioners, large powers were also given both to the Land Commission and the Congested Districts Board for the purchase and resale of certain classes of estates.

The Act was enormously popular. The landlord, in view of the manifold insecurities of land tenure in Ireland, made an excellent bargain, and the tenant, tempted by the immediate transformation of his rent into an annuity of reduced amount, ignored the extension by twenty years of the period of redemption and was willing to agree at high prices for the purchase of his land. The average price of land sold rose from the 17½ years' purchase under the old Acts to over 20 years' purchase, and the soil of Ireland rapidly began to change hands. But the Act broke down on finance. The estimate for the total sum required was 100 millions and the purchase money was to be raised by successive issues of 2¾ per cent. Guaranteed Land Stock. Any loss on quotation due to the stock being issued at a discount was to be borne, in the first instance, by the Ireland Development Grant and, if and when that was exhausted, by the ratepayers of Ireland. The stock, like all Government stocks at that period, fell heavily from the first, and in 1908 the point was reached when

further issues would have entailed a heavy loss payable out of Irish rates, growing ultimately, as it was calculated, to an annual charge of more than half a million.

This situation led to Mr. Birrell's Land Act of 1909. The problem was twofold: how to deal with future agreements to purchase; how to deal with pending but as yet uncompleted agreements for purchases under the Act of 1903.

(*a*) With regard to future agreements, there are four main points: (1) The old policy of payment in stock instead of in cash is reverted to, and the stock created is a 3 per cent. stock. (2) The tenant's annuity is raised from $3\frac{1}{4}$ to $3\frac{1}{2}$ per cent. (3) The period of redemption is reduced from $68\frac{1}{2}$ to $65\frac{1}{2}$ years. (4) The landlord's bonus is allocated on a graduated scale, under which the higher the price the land is sold at, the less is the bonus conferred.

(*b*) In regard to pending purchase agreements made under the old Act, no alteration is made in the terms of the bargains already concluded between landlord and tenant; but changes are made in the method of financing these agreed sales. Briefly, parties can obtain priority in treatment among the enormous mass of cases awaiting the decision of the Land Commission by agreeing to accept $2\frac{3}{4}$ per cent. stock at a price not lower than 92 per cent. (which means, at present prices, that the loss on flotation is split between the landlord and the State), or, by waiting their turn, they can obtain half the price in stock at 92 and half in cash. Payments elected to be made wholly in cash come last of all. Bonus to be paid in cash as before. In no case is any loss on flotation to fall upon the Irish rates. Any loss not capable of being borne by the Ireland Development Grant is to be borne by the Imperial Exchequer.

How exactly do we stand at the present moment?

There are estimated to be about 600,000 agricultural holdings in Ireland, represented by 550,000 occupying tenants. According to the latest official

stimate [1] it appears that the total sum from first to ast necessary to purchase these holdings, including noney already advanced, will eventually amount to bout 208 million pounds. Of this sum nearly 24 nillions have actually been advanced under the old cts prior to 1903, and up to March of this year 1911) a further sum of 42½ millions had actually en advanced under the Wyndham Act of 1903 nd the Birrell Act of 1909.[2] That makes a total 66½ millions actually advanced up to March 1911, covering the purchase of nearly 6 million res of land, or nearly a third of the total area Ireland. In addition, agreements for the purnase of properties under the Wyndham and Birrell cts at a total price of 46½ millions for 4½ million res were pending in March, 1911, though the sale id vesting were not yet completed. There is no doubt at the properties represented by these agreements ll be duly transferred in the course of the next few ars, though the congestion of business is very great. That will make a total of 113 millions advanced r the purchase of 11 million acres under all Acts to and including that of 1909. Deducting 113 illions from the 208 millions estimated as the total st of purchase *ab initio*, we reach the conclusion that out 95 millions will be required to finance all remaing sales initiated under the Act of 1909 and any other easures which may pass in the future.

How the Act of 1909 will work remains to be seen. o to date only a small amount has been advanced, t at the end of March, 1910, 5,600 agreements had en lodged for the purchase of estates at a price of ,600,000, representing an average of 20·8 years' rchase, and negotiations were in progress for the rchase by the Congested Districts Board of property rth another million and a half. Total, a little over

[1] Return Cd., 4412, 1908.

[2] These and subsequent figures are taken from an answer to a stion in House of Commons, July 25, 1911.

3 millions [1] ; a substantial amount of business in view of the artificial acceleration caused by events in 1907 and 1908 and the subsequent reaction.

We should naturally expect a check to purchase under the Act of 1909, since the inducement both to landlord and tenant is less. The tenant would be inclined to hold out for a lower price (though signs of this check are not yet apparent), because his annuity is higher and the landlord is paid in a stock whose market price seems to be slowly but steadily falling. It is now (August, 1911) at 86. On the other hand, the wise change in the allocation of the bonus places a premium on sales at low prices, and reverses the old process by which the wealthiest landlord of the best land obtained the largest reward for submission to sale. For I need scarcely say that the most urgent need for purchase, and at the same time the greatest obstacles to it, exist in the case of the poorer land. It must be remembered, too, that there is constant pressure towards purchase owing to the better financial position of the purchasing tenant over the non-purchasing or judicial tenant, while the fear in the landlord's mind of further periodical reductions in the judicial rents tends to induce him to meet this pressure half-way.

Still, there is a point beyond which such pressure would not be strong enough to carry on voluntary purchase, especially if the 3 per cent. stock continued to fall. A few landlords will never sell voluntarily. Will general compulsion be necessary? It is impossible to say. Powers of compulsion (never yet exercised) in the case of estates in congested districts and of untenanted land already exist under the Act of 1909. Some think it certain that general compulsion will be needed. Other well-informed men count with confidence on completing at any rate all but a very small part of the purchase of Irish land in from twelve

[1] No later figures appear to be available. These were given in an answer to a question in the House of Commons on February 17, 1911.

to fifteen years without compulsion. Nevertheless, it is certainly necessary to contemplate the possible need for compulsion.

As to the figure of 95 millions for completion of the work of further purchase, in addition to the amount needed for pending agreements, we must bear in mind that that figure is speculative and perhaps too high. It is based on the Poor Law Valuation of unsold lands multiplied by the average number of years' purchase of lands sold under the Act of 1903. It includes lands which may never need to be sold (for example, many of the valuable pasture-lands held by big graziers), and it is based on an average purchase price which will probably be somewhat higher than the actual price. Still, to be on the safe side, we had better adhere to the official figures.

Now, what is to be done under the Home Rule Bill?

Let me first sum up. In point of value, taking the extreme estimate, rather more than half the land is sold to the tenants or agreed to be sold to them. Rather less than half remains to be sold. The total Imperial debt created from first to last will be, again on an extreme estimate, 208 millions. Some of this debt is already redeemed, but the whole of it cannot be redeemed, at the earliest, until towards the end of the present century.

It must be understood that the net annual charge on the taxpayers of the United Kingdom is small. The Irish tenant is paying his debts as honestly and punctually as any class of men in the world. Arrears of annuities are negligible.[1] There has been no loss. Contingent losses are charged on an Irish guarantee fund, although in the last resort the principal and interest on the Land Stock created is guaranteed by law on the Consolidated Fund. Purchase pays for

[1] Out of two millions now annually payable by 165,133 tenants only £13,547 is now in arrear. Irrecoverable arrears are always recouped by the sale of the estates. (See Land Commission Report, 1911.)

itself, except in three respects: the bonus to landlords; the temporary losses on flotation caused in financing, under the Act of 1909, the balance of agreements made under the Act of 1903; and the administrative expenses of the Estates Commissioners and the Land Commission. These items amount in the current year to £544,395. All taxpayers, British and Irish alike, contribute to them. But in compiling an Irish Home Rule balance-sheet it would no doubt be strictly correct to reckon them as purely Irish expenses, to be paid out of Irish revenue.

There remains the important question, Who is to control the purchase operations in the future—Ireland herself or the Imperial Government?

Two initial principles must be laid down:—

(1) Purchase must go on.
(2) Cheap Imperial credit is necessary for it.

But should the Imperial Government continue to control the whole machinery and policy of purchase? Needless to say, this question is bound up with the fundamental problems of finance and representation at Westminster, which are discussed elsewhere.

But let us consider it, as far as possible, in isolation. Most people probably will be inclined to advocate continued Imperial control; but I am not sure if they have fully grasped all the consequences. In view of the magnitude and infinite ramifications of the land problem in Ireland, Imperial control over purchase would, I think, necessitate also:—

1. Control over all land legislation and the insertion of a clause similar to that in the Home Rule Bill of 1893, temporarily forbidding such legislation to the Irish Parliament.

2. Control over the Congested Districts Board, whose independent powers of purchase and re-sale are intimately connected with its other remedial operations.

3. It would logically, and might practically, involve

Imperial control of the agents of the executive authority—namely, the police.

Each, and especially the last, of these subtractions from the authority of an Irish Parliament and Executive would in themselves be highly regrettable. For my part, I should anticipate less friction, and at the same time equal justice to landlords in Ireland, from transferring to Ireland the control of purchase, and, as a corollary, of all land legislation, and executive power to carry it out, while promising her the aid of Imperial credit on certain specified conditions as to amount, security, &c. I fully admit that there are arguments against this course. Two distinct interests have to be guarded :—

(1) That of the Irish landlord.
(2) That of the British taxpayer in regard to security for the loan advanced.

With regard to—

(1) It may be argued that the Congested Districts Board and the Land Commission, and through them Irish statesmen, may be subjected to much local or sectional pressure hostile to the landlord's interests, and that the Irish Government would feel safer and more free for social and other reforms if the land question were placed legally outside its purview. Against that view I would urge that in this, as in all matters, we ought to place faith in the self-respect and sense of justice of a free Ireland : in its common prudence, too ; for it would be a disaster, and all sensible Home Rulers feel it, if any course were to be taken which irrevocably estranged the landlord class from the tenant class in the great work of making a new Ireland. As to the landlords themselves, fair treatment by a free Ireland, as distinguished from fair treatment from the hands of an external authority, would do more than anything else to bring about a reconciliation. That is human nature all the world over.

(2) The security for the loans would be equally good. A strike against annuities will be no more likely in the future than it is now ; less likely, because the security in the future would be that of Ireland as a whole, not of individual tenants, and public repudiation of a public debt would be as ruinous to Ireland as to any other State.

CHAPTER VIII

IRISH COMMERCIAL AND INDUSTRIAL CONDITIONS IN RELATION TO HOME RULE

By "Martin Doul"

So much has been heard of Irish poverty, that we are apt to think of Ireland as doomed by Nature to perpetual sterility and dependence. Moving within the orbit of Great Britain, her industrial efforts are measured by a scale which dwarfs them. Yet Ireland is not naturally a poor country. Early travellers frequently speak of the fertility of her soil and the excellence of her produce. It was not poverty which attracted to her shores successive streams of adventurers, Danish, Norman, or English. From the very first century of our era Irish seaports were well known to merchants of the Empire. Throughout the Middle Ages Ireland traded continually with the rest of Europe, and "Irish-made linen and cloth and cloaks and leather were carried as far as Russia and Naples."[1] In those times there existed none of the restrictions upon Irish commerce which a more refined seventeenth century began and the polished eighteenth century perfected. Soon after the Restoration, however, we have the first of a long series of Acts of the Parliament at Westminster in restraint of Irish trade. To take only three instances: in Charles II.'s reign the exportation of Irish cattle and dairy produce was forbidden; in William III.'s the thriving woollen trade of Ireland

[1] "Irish Nationality," by A. S. Green, p. 114.

was ruined; and in Anne's the rising linen industry was scotched. The same policy was continued through most of the eighteenth century.[1]

It is not for the sake of renewing ancient griefs that I recall these facts. But they must be borne in mind in considering subsequent history. Because England for many years past has no longer sought to destroy Irish trade, it by no means follows that the evil consequences of that policy are even yet extinguished. The absence of the industrial habit and hereditary aptitude for manufacture is still the greatest obstacle in the way of new industries.

A brief period of prosperity visited Ireland in the last twenty years of the eighteenth century. The first use which the Irish Parliament made of the greater power given into its hands by the embarrassments of the American War and the growth of the volunteer movement in Ireland, was to insist upon the removal of most of the commercial restrictions. England would not even then consent to a complete Free Trade. Certain commodities, imported freely into Ireland, were still, upon export from Ireland into Great Britain, subject to prohibitive duties. But, speaking broadly, commercial freedom was attained in 1779. Immediately the country began to prosper. Credit improved. The corpus of the National Debt and the interest upon it were reduced.

"The industrial aspect of Ireland rapidly changed. Ruined factories sprang into life and new ones were built; the old corn mills, which had ceased working so long, were everywhere busy; the population of the towns began to increase; the standard of living among the artisan class rose; and even the condition of the peasantry changed slightly for the better. . . . The independent Irish Parliament set itself to promote the material prosperity of the country in every possible way, and there is no doubt its efforts had much to say to the really surprising

[1] See Lecky, "History of Ireland," vol. i., chap. ii., and A. E. Murray, "Commercial Relations between England and Ireland," which gives the fairest and fullest treatment of the restrictive legislation of the seventeenth and eighteenth centuries.

ommercial progress which was made from 1780 until the years mmediately preceding the Union. . . . The manufacture of ats, of boots and shoes, of candles and soap, of blankets and arpets, of woollens, of printed cottons and fustians, of tabinets nd of glass, all sprang into importance, while the linen manuacture, which had decayed during the American War, quickly evived, and in two years the exports of various kinds of linen oubled." [1]

We have the testimony of Lord Clare in 1798 stating f the preceding twenty years that "there is not a ation on the habitable globe which has advanced in ultivation and in commerce, in agriculture and manuactures, with the same rapidity in the same period." he Irish Parliament anticipated the policy of the Conested Districts Board in encouraging Irish fisheries. arge grants were made for canals, harbours, and other ublic works. Bounties were given to encourage articular manufactures. Economically repugnant as is to the strictest sect of Free Traders, the Bounty stem proved, in this instance at any rate, splendidly uccessful. The area under tillage rapidly increased. A orn trade with Great Britain sprang up, and three years ter the granting of the first bounty Irish corn exports ere already valued at £400,000. The linen exports, we have seen, doubled. The silk trade flourished, mploying no fewer than 11,000 persons in Dublin one. The cotton manufacture, only introduced into eland in 1780, already in 1785 employed 30,000 ople. The Waterford glass industry revived. The ports of woollen goods increased incredibly, from 377 yards in 1780 to no fewer than 876,236 1785. This was, however, the high-water mark, d the improvement was not altogether maintained. sh woollens were somewhat coarse. In all the er woollen goods, English-made articles, which re admitted at a low duty ($5\frac{1}{2}$ per cent.), were both tter and cheaper. This fact led to a demand for the position of protective duties, to which the Irish

[1] "Commercial Relations," p. 266.

Parliament did not accede. Remarkably enough, the Irish Parliament, though it had, at any rate in theory, the power of erecting a protective tariff against England, and though, as I have said, England still maintained such a tariff on many articles against Ireland, never yielded to the pressure brought by the Irish manufacturing interest for protection against England. The reason of this is yet more noteworthy because it would still operate under similar circumstances to-day. "The Irish Parliament," says Miss Murray, "was always nervously anxious not to lose English custom, and it preferred to accept the commercial inequality which existed rather than provoke England to possible retaliation."

That a renewed decline in Irish industry followed the Union unfortunately does not admit of any doubt. The export of woollens gradually fell off, linen remained stationary till about 1823, cotton, glass, silk, and a host of minor industries disappeared. Wages fell. Dublin suffered most, but did not suffer alone. From the returns of trade in Dublin it appears that 30,000 men had constant employment before the Union at from 25s. to 30s. a week; in 1832 there were scarcely 10,000, and many of those at wages not exceeding 10s. a week. In Limerick one branch of trade alone employed 15,000 persons. Thirty years after it had almost entirely disappeared. In Cork 3,000 women were employed at making gloves, paid for at 6s. to 8s. per dozen; 500 were employed in 1832 at half the wages. The condition of the agricultural labourer and of the cottier went from bad to worse. The misery of Ireland, urban and rural, deepened steadily until relieved, in some measure, by the awful remedy of the Great Famine and the subsequent emigration.

I come now to our own day. From 1825, when the system of separate Customs was abolished, until 1904, when the statistical branch of the recently established Irish Department of Agriculture began to make its returns, no record is available of the trade

etween Great Britain and Ireland. Taking the figures iiven in the Report[1] for the year ended December 1, 1909 (the last available), we find that the alue of Irish imports has increased from £54,209,477 n 1904 to £63,947,115 in 1909, and that of xports from £50,244,958 to £61,728,692—the total f both together rising from £104,454,435 to 125,675,807, an increase of over £20,000,000 in six ears. Ireland imports, in round figures, $9\frac{1}{2}$ millions f raw materials, and exports $4\frac{1}{2}$ millions. She imports n manufactured goods close on 30 millions, and exports little over 22 millions. Farm produce, including live ock and hides, skins, wool, &c., accounts for over $31\frac{1}{2}$ nillions sterling—half the total of her exports. It is omewhat remarkable that she should still import other gricultural products to the value of 20 millions. Of nese the chief are wheat and wheat flour.[2]

The important position which Ireland holds in the ritish market may be shown by a few figures. Thus ne value of the Irish export to Great Britain of all lasses of live stock was in 1909 twice as large as the alue of similar exports into the United Kingdom from ll foreign and colonial countries. The Irish export f butter into Great Britain was second largest in ne world in quantity and value; of eggs, again second; f bacon and hams, third; of oats, fifth; the export f potatoes largest in quantity; of poultry largest both n quantity and value.

In the group of raw materials Ireland imports chiefly oal, timber, and flax (the cultivation of flax in Ulster aving gradually declined for many years). The exports re principally of animal produce, such as hides, skins, ool, &c.

[1] Report on the Trade in Imports and Exports at Irish Ports during ne year ended December, 31, 1909. (Wyman and Sons.)

[2] It is interesting to note that whilst the imports of wheat have ncreased from 6,932,956 cwt. in 1904 to 8,233,011 cwt. in 1909, the mports of wheat flour have decreased in the same period by just over million cwt. This would seem to indicate that the Irish milling ndustry is gaining ground.

Textiles account for one-half of the total of manufactured imports and exports. Imports in this class are estimated to have increased from £12,138,017 in 1905 to £14,793,765 in 1909, and exports from £12,302,998 in 1905 to £17,445,543 in 1909.

Taking things as a whole and remembering the past, I think we can congratulate ourselves upon the present condition of Irish trade and industry, for it is clear that Irish producers and manufacturers are at least holding their own. The growth of exports has kept pace with and even slightly outstripped the growth of imports. But more significant of the country's progress than external trade is the internal. Here we are without any official figures. The Belfast Industrial Association, however, issued last year a circular to a number of firms in Ireland manufacturing articles of common use. Each firm was asked to state the condition of the Home market, and in almost every instance increase of trade within Ireland itself was reported, in some instances these increases amounting to as much as 25 per cent. since 1905.

Beyond any question the standard of comfort has risen enormously in recent years, though among the agricultural labourers and the cottiers of the West it is still deplorably low. The houses, the food, and the clothing of the mass of the people are all better than they were ten years ago.

It is to be noted further that since 1890 deposits in the Post Office Savings Banks have grown from $3\frac{3}{4}$ to close on 12 millions; while deposits in Trustee Savings Banks have increased by over £500,000. The circulation of bank-notes and coins has increased by nearly one million.[1] A host of Co-operative Banks on

[1] See Banking, Railway, and Shipping Statistics for June, 1910. Published by D.A.T.I. Deposits and cash balances in Joint Stock Banks have increased in the same period by no less than $21\frac{1}{2}$ millions. It seems possible, however, that this is due in a large measure to the operation of the Purchase Acts—a temporary phenomenon. Consequently I have not thought it proper to include these figures in the general survey.

e Raffheisen model, receiving small deposits from rmers and others, have also sprung into existence this period.

These figures taken by themselves might merely dicate that the Irish people were hoarding money hich would be better employed in industry; but taken conjunction with the increase in manufactured exports d the growth of the home trade, they are full of couragement.

It now remains to inquire to what causes this increase prosperity is due, and how it is likely to be affected the restoration of self-government.

I should be inclined to attribute our recent progress four causes. First and foremost, there are the ductions in rent, resulting from the Land Legislation 1881 and subsequent Acts. The farmers everywhere ve more money to spend, and this money, much of nich was sent out of Ireland to absentee landlords, rtgagees, &c., now circulates in Ireland and helps promote trade. As payments of this kind are still rther reduced by the gradual operation of the Land rchase Acts, the improvement under this head is ely to be permanent and continuous.

Secondly, there is the general rise in the price of ricultural produce, caused by the growth of great dustrial populations in America and elsewhere.

Thirdly, there are the efforts of such voluntary bodies the Gaelic League, the Irish Agricultural Organisan Society, and the Industrial Development Associan, each of which in its own way has helped Irish dustry, by preaching self-help, co-operation, and the udy of Irish economic conditions.

Fourthly, there is the work of official bodies, such the Department of Agriculture and Technical struction and the Congested Districts Board.

In what manner and to what extent Irish industrial nditions will be affected by Home Rule is, necesrily, a subject for prophecy, and each can form his n conclusions from what has gone before. The

average Unionist professes to believe that Home Rule spells ruin for Irish industry. Many Nationalists perhaps entertain extravagant hopes. My own opinion, for what it may be worth, is that Home Rule will injure no single industry and must benefit many. Possessed of very limited resources and elected in the main by small farmers—a conservative and economical class, as the records of Irish local bodies prove—an Irish Parliament is not likely to be extravagant. If it could not create coal where none exists, or make all Ireland like Birmingham or Belfast, I see no reason why within the limits of prudent State action, it should not produce as good results as did the free Parliament of 1782. The restoration of a body solely charged with the conduct of Irish affairs, and staking its credit upon the continuing prosperity of Ireland, must in itself be beneficial. However benevolent in intention an English Government may be, it can never fully understand Irish conditions. The words of the great Earl of Kildare to the English Privy Council of Henry VIII. remain true to-day: "Ye hear a case as it were in a dream, and feel not the smart which vexeth us."

At the same time, one must not ignore the fact that a large number of the older commercial men, especially in Belfast, are at present opposed to Home Rule, imagining that the Government of the country would be in the hands of a group of sans-culottes, whose purpose it must be to keep themselves in power by plundering their richer fellow-countrymen. Assuming for the moment that their estimate of the Nationalist leaders is just, and assuming further that full powers of taxation are to be conferred upon the Irish Parliament, it is surely impossible to conceive such a policy being carried into effect. There is no great industry in the country —whether it be wool, or linen, or shipbuilding—which does not count thousands of Nationalists among its shareholders, its employees, even its employers. How could it be possible to plunder the Protestant and Unionist shareholders, for instance, of an Irish Rail-

way, without plundering the Nationalist and Catholic shareholder as well? Or how could an Irish Government destroy the linen trade of Belfast without throwing out of employment the constituents of Mr. Devlin, the President of the "Molly Maguires"? But far more than to any direct action of an Irish Legislature—whether wise or unwise—upon Irish industry do I look with hope to the reaction of Home Rule upon the *morale* of the whole people. Just as after the Union a blight of discouragement and apathy fell upon Irish minds, and, through these, upon Irish industry, so I am confident that the restoration of self-government will bring back confidence and new energy. Ireland will be a more interesting country to live in and to work for. As things now are the best brains and the most energetic wills are inevitably drawn away from us by the greater prizes and the fuller life which London offers to young Irishmen. This attraction, so far as it is pecuniary, will no doubt continue. But money prizes are not everything—least of all to an Irishman. That which drives our young people away is not so much the comparative poverty of Ireland as the dullness of Irish life, in town and country. Make Dublin again a capital in fact as in name. Let us feel that we are making a fresh start and that it is ourselves and ourselves alone who must build up our country's fortunes; let us but once realise that there is work and interest at home for us all, whether we be gentle or peasant—and I have no fear for the future of Ireland. As the figures I have given above amply show, it is not money which is lacking to Irish industry, it is courage and self-confidence. No form of government can, indeed, create these qualities, but forms of government can depress or exalt them.

CHAPTER IX

THE RELIGIOUS PROBLEM IN IRELAND

By Rev. James O. Hannay

("George A. Birmingham")

Are Irish Protestants to suffer under Home Rule or not? That is a question to which, I suppose, you expect me to give some some sort of answer in the course of this paper. It is a particularly difficult one to deal with, for we are confronted at the very start by a sharp contradiction of expert testimony. The Irish Nationalists answer, without the smallest hesitation, "No." "The Irish people," they say, "have never shown the smallest desire to persecute Protestants, have never been actuated by religious bigotry, and in matters in which they possess power to-day use it with the utmost liberality and with a tender regard for the feelings of those who differ from them." The suggestion that they would persecute or bully is, according to Mr. Redmond, "an insult to the Irish people." On the other hand, the Irish Unionist is of an exactly opposite opinion. He thinks it highly probable that in an independent or semi-independent Ireland, where Roman Catholics would be in a majority of three to one, Protestants would suffer all sorts of unpleasantness. Phrases of the most picturesque violence are used freely, and we are asked to contemplate the possibility of our Roman Catholic fellow-countrymen gorging themselves upon "the blood and treasure of Irish Protestants." In the face of such contradictory evidence what are we to think?

The way in which Nationalists usually dispose of the Unionist testimony is by describing it as a political cry, worked up for the purpose of hampering the movement towards Home Rule, and they state roundly that the Unionist politicians do not really believe the things they say. The Irish Unionists, on the other hand, accuse Mr. Redmond and his friends of deliberately misleading the English people by professing a kind of tolerance which they neither intend to practise nor would be allowed to practise if they wanted to. I may say at once that both these ways of dealing with evidence of a disagreeable kind seem to me eminently unsatisfactory. I know a good many Irish Unionists intimately, and I am quite sure that they believe what they say—that is to say, that they are genuinely and honestly afraid of being persecuted by their Roman Catholic fellow-countrymen. I know also a good many Nationalists, and I am convinced that they are equally honest when they disclaim any intention of recognising religious disabilities, and say that they are genuinely determined to give fair play to every one. Moreover, both sets of speakers really know Ireland. This is not a case in which Englishmen and other theorists are discoursing about a country of which they know practically nothing. Both Mr. Redmond and Mr. Moore, for instance, are Irishmen. Both of them have lived a considerable portion of their lives in Ireland. Both of them are quite competent to give an opinion on Irish subjects. What are we to say, then, when two sets of authorities, equally competent and equally honest, contradict each other with the utmost vehemence on a subject about which both of them may fairly be supposed to know all that is to be known? What, under these circumstances, is the unfortunate Englishman, full of goodwill and a desire to do what is fair and just, to think about the matter? What are you to do? The obvious answer, the answer which I am sure each one of you is quite ready to give, is this: Let us get back beyond these statements to the facts on which they are based.

We will not take Mr. Redmond's word for it that toleration would be secure under an Irish Parliament. We will not take Mr. Moore's word for it that the Irish Roman Catholics are certain to persecute. We will judge for ourselves by what is actually happening in Ireland to-day. Let us get at the facts.

This answer, if I may be allowed to say so, is characteristic of the English. There was once a Chief Secretary in Ireland, an Englishman, who, after the admirable habit of your people, attempted to govern Ireland on this system. "I intend," he said to a high permanent official, "to avoid all presuppositions and to get at the actual facts of every case." "Sir," replied the permanent official, who was an Irishman, "are you not aware that there are no facts in Ireland?"

I totally disagree with that Government official. The trouble in Ireland is not that there are no facts, but that there are far too many, and that the facts contradict each other in the most bewildering way. Every now and then an English editor, "gravelled," perhaps, like Touchstone's lover, "for lack of matter," opens his columns to a correspondence on the subject of religious tolerance, or intolerance, in Ireland. Facts simply pour in on him. They are supplied by people whose *bona fides* and general truthfulness are beyond dispute. They are promptly contradicted by other people of equally respectable character, who supply other facts of an equally indisputable kind. These in their turn are disposed of with some violence. We reach the stage at which eager controversialists start betting on the truth of their own assertions, offering to hand over considerable sums of money to deserving charities if their opponents succeed in proving them to be liars, and challenging the opponents to part with similar sums in the event of the proof offered not being satisfactory. I have never heard of any charity benefiting much by this system of bookmaking; but that is, no doubt, because the editor generally closes

the correspondence before the stakes are actually deposited.

I once made a collection of facts, all within my own experience, bearing on the subject of tolerance in Ireland. I do not think that anything would be gained by my publishing them here. They would be exactly like the other facts, with which every newspaper reader is quite familiar. They would contradict each other flatly, and no sort of stable conclusion could be reached from them.

Now, what are we going to do when facts behave in this unnatural way? The Nationalists, with their eyes fixed on one set of facts, are perfectly justified in saying that no Protestant need fear religious persecution. The Unionist, with another set of facts in mind, is equally justified in saying that Irish Protestants will lead the lives of stray dogs under Home Rule. But they cannot possibly both be right. Even in Ireland two contradictory propositions cannot both be true. The worst of us feel that, and we make valiant efforts to deal with the puzzle. One way of doing this, the commonest and simplest way, is to deny the other people's facts.

I am bound to say that this method works very well so far as you in England are concerned. Mr. Redmond and Mr. Gwynn do actually persuade a certain number of you that the Unionist facts are all inventions. Mr. Moore can persuade the rest of you that Mr. Redmond and Mr. Gwynn are the descendants of Ananias. That, of course, is very nice so far as it goes. But Mr. Redmond has not persuaded Mr. Moore, and Mr. Moore has not persuaded Mr. Redmond. And that is the really important thing. I have every respect for the English people, but our business in this matter is with the Irish people. It is to us far more important that we should get to understand each other than that you should get to understand any of us.

Another common way of dealing with contradictions is to admit a certain amount of bullying, but to say

that it takes place for political and not religious reasons. "I have often," said a leading Nationalist the other day, "seen men in Ireland suffer for being Unionists. I never yet saw one suffer for being a Protestant." This is, I understand, quite a fashionable way of regarding persecution nowadays. The French Huguenots, we are assured, were not persecuted for being Protestants, but because their existence threatened the existence of Louis XIV.'s kingdom. The Irish Penal Laws, so our latest historian has very satisfactorily proved, were not directed against Roman Catholics for being Roman Catholics, but because all Roman Catholics were more or less rebels. That is a comfortable theory, but for the life of me I cannot see that it makes much difference to the man who is bullied whether you bully him for wearing a blue tie or for wearing brown boots, if he happens to be wearing both. If a man is to suffer civil disabilities of any kind, be kicked in the street, for instance, it won't soothe him in the least to be told that he is suffering for whistling "God Save the King" and not because he sings "Rock of Ages" in his leisure hours. He has been doing both, and he objects to being kicked for doing either. But the apologist along these lines goes farther and refines his argument. "Under a Home Rule Parliament," he says, "the difference between Unionism and Nationalism will disappear. There will no longer be any Unionists, because the Union will be a thing of the past. There will no longer be any Nationalists, in the old sense of the word, because there will be no longer any reason for disloyalty." This would, I think, be a valid line of reasoning, and the thing might work out in just such a way if we were going to be given a really substantial measure of Home Rule, if we were to be put, for instance, in the position of Canada or New Zealand. But, so far as can be seen at present, nothing of the sort seems to be in contemplation. Mr. Redmond is apparently asking for, and is apparently prepared to

be content with, an enlarged Councils Bill. Under such a half-measure Unionists would remain Unionists, continually struggling to undo a little of what had been done ; Nationalists would remain Nationalists, making a series of efforts to get a little more. Any one who is bullied for being a Unionist now would be bullied for being a Unionist then ; and if it happens that Unionism and Protestantism continue to be, as they are at present, inextricably mixed up together, it will still appear that religious persecution is rife in Ireland.

It will not do I think, to try and get rid of either set of facts by denying them. Nor yet can we successfully explain them away as the results of political and not religious bitterness. Yet we may get from our facts some useful insight into the nature of the problem with which we have to deal. In the first place, I think it is obvious that the two parties attach a slightly different meaning to the word liberty. Street preachers, of whom we occasionally hear a good deal, claim that their liberty is interfered with when they are forcibly prevented from uttering their sermons in public places for the benefit of any one who wants to hear them. An orthodox Nationalist, if he were called upon to defend the popular suppression of these evangelists, would probably say that what they claimed was not liberty, but licence. That if a certain kind of sermon is distasteful to the majority of the inhabitants of a district it ought not to be preached there ; that religious liberty is not interfered with so long as the preachers are allowed to say what prayers they choose in whatever building they like to select, but they have no right to offer insults to the faith of their fellow-countrymen, and that if they are interfered with while they are doing that it is unreasonable licence and not reasonable liberty which is curtailed. The difference here lies in the meaning attached to the word " liberty." I remember an interesting instance of this confusion of thought which occurred some time ago. A prominent

Gaelic Leaguer was refused permission to sit upon a local committee of the League, because in some writings of his he had used expressions which were supposed to be insults to the Catholic faith. As a matter of fact, they were not insults to any faith, but that is not the point. The priest who headed the opposition to this Gaelic Leaguer quite honestly thought they were. It was pointed out to this priest that the Gaelic League was a non-sectarian body and that members had a right to hold any religious opinions they chose. The priest, while admitting that this was so, replied that the non-sectarian character of the League did not and could not compel him to tolerate immorality. "If," he said, "a murderer should join the League, would our non-sectarian constitution oblige me to sit on a committee with him?" As a matter of fact, there was nothing immoral, in the ordinary acceptation of the word, in the writings complained of. But the priest thought that any criticism of the political action of his Church was immoral. Now the Gaelic Leaguer who suffered under the attacks of this priest believed that his liberty was infringed. The priest believed that he was protesting against an immoral licence. Both were honest men. They simply differed about the meaning of the word "liberty." That is the first inference that I am inclined to draw from these facts. The Roman Catholic Nationalist is perfectly right in saying that no attack is likely to be made in Ireland on what he calls religious liberty. The Protestant Unionist is also perfectly right in saying that attacks have been, are, and most probably will be made on what he calls religious liberty.

Is there any hope of our reaching an understanding? To be candid, I see none except by the old way of worrying on until we reach some kind of working agreement about what men may and may not say or do, based upon the practical impossibility of enforcing anything else. If the man who wants to sell Bibles and preach sermons goes on trying to sell and preach,

if he puts up with being kicked he will ultimately establish his right to do these things without being kicked. His particular form of activity will be recognised as a legitimate kind of liberty. On the other hand, if the people who object to the preaching of sermons and the sale of Bibles can kick hard enough they will ultimately impress the popular mind with the idea that the sale of such things is an improper kind of liberty, just as the attempt to sell indecent photographs is regarded in this country as an illegitimate kind of liberty. The law on these subjects is simply the expression of the popular opinion. It has become the law because a very large number of people wanted it to be the law.

This brings me to a second reflection which arises out of the curiously contradictory facts which meet us when we try to study the religious problem in Ireland. I think that the Nationalists are perfectly right in saying that the Irish *people* are singularly disinclined to religious bullying of any kind. I have noticed that lately the Protestant minority is coming round to Mr. Redmond's opinion. They are, as a rule, ready to admit that their Roman Catholic neighbours are well disposed. But they think that the people will do what their priests tell them and that the priests are very far indeed from being tolerant. Now I should like to say at once that no blame can be attached to any ecclesiastic for intolerance. All good, that is to say, whole-hearted, ecclesiastics must be intolerant. To the man with an ecclesiastical mind, Protestant or Roman Catholic, dissent and heresy are sins of a kind peculiarly dangerous to the public welfare. To the priest who is really a priest tolerance is another name for indifference, and he can no more be expected to encourage the heretic than a statesman can be expected to encourage a criminal or an officer of public health can be expected to approve of a man with diphtheria going about in a public tramcar. The Irish Protestant is quite right in expecting to be bullied by Roman

Catholic ecclesiastics if the Roman Catholic ecclesiastics have the power to bully him. The question is, Will they, under a Home Rule Parliament, have the power?

This brings me to the question of safeguards. Mr. Redmond has over and over again offered the Irish Protestants any safeguards they choose to ask for ; by this I suppose he means that he is ready to agree to the imposing of constitutional checks upon the power of an Irish legislature in certain matters. For instance, he would probably agree that the Irish Parliament should not have the power of altering the marriage laws. The Protestants, curiously enough as it may appear to you, have not responded to his appeal. Asked to name the safeguards they require, they simply throw up their hands in an ecstasy of furious impatience. They do not believe in constitutional safeguards. I think myself that their scepticism is justified. No safeguard survives the period of its convenience. The establishment of the Irish Church was safeguarded, as much as anything could be safeguarded, by the Act of Union. What was the safeguard worth? The religious liberty of Roman Catholics was safeguarded by the Treaty of Limerick in the most solemn possible way. But the Treaty of Limerick was waste paper before the ink on it was properly dry. The plain fact is that no treaty and no safeguard in any treaty has any binding power at all, once it is felt to be irksome. Nobody in political life keeps, or is even supposed to keep, these promises. We shall have safeguards, I suppose, in our new Home Rule Bill, but they won't reassure Protestants. Personally I should not care to rely on a safeguard in an Act of Parliament for the security of a stray dog.

But the Irish Protestants have, in my opinion, ample and sufficient safeguards, of a very much more real kind, against the danger of clerical bullying.

In the first place they are a very strong minority in Ireland, far too strong to be easily or successfully bullied. It is a very curious thing to me that Irish

Protestants, who are never tired of boasting of their own energy and courage, and who really do possess energy and courage to a very high degree, should be so desperately frightened of the Roman Catholic Church, and it is still more strange that they should suppose that their union with you should be a protection to them. They are perfectly well able to take care of themselves, and, so far as I am able to judge, their reliance on you has in the past been a source of weakness and not of strength to them. Your statesmen have been in the past chiefly anxious to keep Ireland quiet. This was quite natural and right. It was also quite natural that they should discover—it was Lord Randolph Churchill, I think, who first announced the discovery, though it must have been made before—that the easiest way of keeping Ireland quiet was by making some kind of alliance with the priests. This has been obvious to us for a long time. The late Michael Davitt put it epigrammatically in a letter to me where he wrote of "the new English garrison of priests and nuns." Most Irish Protestants now understand that this is your policy, and so long as the Union endures must continue to be your policy. The curious thing is that, seeing this quite plainly, they still cling to the Union as if there were security for them in it. There isn't. Their position with regard to you is really that of a singularly foolish traveller in a stage-coach who knows that the guard and the highwayman have squared each other, but who persists in unloading his own gun and packing it away because the guard carries a large blunderbuss. This is the first and greatest safeguard of Irish Protestants in a Home Rule Ireland. They are perfectly well able to take care of themselves, and will be in a much better position to do so when they are unhampered by their perfectly ridiculous reliance upon you.

Their second safeguard is the fact that the political power of the priests is steadily diminishing in Ireland. On this point every competent observer seems to be

agreed. I need not spend time in arguing it. But I should like to point out in this connection one of those paradoxical absurdities which meet one at every turn in Irish affairs. A considerable number of Irish Protestants, men of the upper and propertied classes, who hate the priests and are always inveighing against them, are now beginning to think that there are worse things than priests. "If the power of the Church goes," they say, "we shall have anarchy." They go on to argue that under a Home Rule Parliament the power of the priests would go rapidly, and that therefore we should be deprived of the last bulwark of law and order. It is a very strange instance of muddle-headedness in politics that a man should object to Home Rule because under Home Rule the priests would have power to bully him, and also because under Home Rule the power of the priests would be destroyed. You would hardly think that the two objections could have weight in the same mind. But they have. I have had them both urged on me, first one and then the other, and then the one again and then the other again, in the course of the same conversation.

There is still another consideration which goes to show that the fears of the Irish Protestants are not well founded, and this one, I confess, weighs with me more than either of the others. I may state it briefly thus: An Irish Parliament would not be tempted to bully Protestants. What problems would face an Irish Parliament? The very first will, I suppose, be money. It may be taken for granted that at first at all events, until we can give effect to certain most desirable economies, we must impose some additional taxation. We are, it appears, not at all likely to have the power of dealing with indirect taxation. We ought to have this power, of course, but we are not likely to get it. You English are very glib, sometimes, in your exhortation to Irish Unionists to trust their fellow-countrymen, and very angry because the Irish Unionists are unable to believe in the goodwill of the

Irish majority. I do not notice that you are at all so willing yourselves to trust this same Irish people when it comes to allowing them the power of erecting a tariff wall against your manufactures. When the Irish Protestant expresses fear of what may happen to him, you say, "Don't be narrow-minded. Rely on the justice and wisdom inherent in all democracies." But when it comes to relying on the justice and wisdom of a democracy in a matter which might conceivably touch your own pockets, you are not so sure about it. "H'm!" you say; "ha! there's no use running unnecessary risks. After all, we'd better keep control of the customs and excise ourselves. Any other arrangement would be—let us say, very inconvenient."

However, this is by the way. The fact is that if we want more money we shall have to get it by direct and not indirect taxation. Now, the obvious subject for direct taxation in Ireland is land. The Irish landholders have reaped very large benefits in the past from the action of the State. It seems obvious that when the State, the Irish State, wants money the Irish landholders should be the class to provide it. I imagine that our first financial Minister and his immediate successors will privately thank Mr. Lloyd George for inserting the thin end of the wedge of land taxation. The task of raising revenue off Irish land will be much easier in consequence of the passing of that much abused Budget of 1909. But it cannot be supposed that the Irish farmer will like being taxed. He will hate it. He will hate it all the more bitterly because he has for many years been the spoiled child of the Treasury. On the other hand, the urban citizen will quite see the justice of taxing the farmer. He has got no benefit from the kindly legislation of the past quarter of a century. He is beginning to feel rather neglected. Now, with a question like that before the country, what is likely to be the division of parties? I presume there will be a party substantially urban and a party substantially rural. But the line of that

division is not the line of division between Protestant and Roman Catholic. There are Protestant farmers and Roman Catholic farmers. They will both be on one side. There is a Protestant urban population in Belfast and Lisburn. There is a Roman Catholic urban population in Dublin and Kingstown. They will be on the same side. Such a situation does not make for religious bullying. Neither party would wish, or, for the matter of that, would dare, to bully its own adherents.

Another question which is certain to face us almost at the very outset is education. You are probably aware that at the present moment Irish primary education is entirely and Irish secondary education very largely controlled by ecclesiastics. No elected body, and no body which is responsible to the country in any way, either directly or indirectly, has any voice whatever in the management of Irish education. This, of course, cannot continue. Whatever else you refuse to give us, you must give us some control over education. At once the ecclesiastics are put on the defensive. They have nothing to gain. There is, in fact, nothing they could possibly gain in the way of power. They have got all there is to get already. Any change must be a loss to them. Their attitude will be purely defensive. And in this defence of existing powers Protestant and Roman Catholic ecclesiastics will be in close alliance. They both hate the idea of popular control of education. Is that a situation which is likely to lead to religious bullying? Hardly. On the one side will be arrayed bishops of both Churches and the Moderators and ex-Moderators of the Presbyterian General Assembly, on the other side a lay democracy composed of members of all denominations.

I have now given you my reasons for thinking that the fears of Protestant Unionists are ill-founded. They are not, you see, exactly the reasons generally given on public platforms. If they were—*i.e.*, if instead of vague platitudes, flat contradictions of facts, futile ex-

planations, and silly promises of safeguards, Irish Protestants were met with reasonable arguments, I believe their fears would be much less than they are.

There remains just one more question which, if I have not already utterly wearied you, I should like to touch. It is this: "Is the spirit of religious bitterness dying out of Ireland?" Two years ago I should have answered without hesitation, "Yes, it is." I still answer, "Yes," but I do so with a certain reserve. There has been lately a recrudescence—I hope only a temporary recrudescence—of religious strife.

I left the English schools at which I received the earlier part of my education when I was seventeen. Since then I have lived entirely in Ireland—in the north, in Dublin, and in the west. I can look back on twenty-eight years during which I have been familiar with Irish social life. I have seen a great change take place. When I was a young man intercourse between Irish Protestants and Irish Roman Catholics was rare in every rank of society. We lived apart from each other. We very seldom met. We never talked about anything that mattered. This condition of things has absolutely passed away. There is now far freer intercourse, far more social intermingling in all classes. We are beginning to know each other. This change has taken place in spite of the warnings and exhortations of the clergy of all kinds. From their own point of view the clergy were right in their objection to the gradual breaking down of the wall of division. The inevitable happened. Young men and young women who danced together, played together, perhaps debated together, came to want to marry each other. Then the trouble began. From the point of view of the statesman mixed marriages are the most desirable things possible. From the point of view of the ecclesiastic they are the least desirable. All the clergy opposed them. The Roman Catholic clergy forbade them except on terms impossibly humiliating to Protestants. Hence the notorious decree

Ne temere. The promulgation of this decree was a determined effort to put a stop once and for all to mixed marriages. It became necessary, from an ecclesiastical point of view, owing to the fact that the increasing intercourse between Protestants and Roman Catholics was leading to a kind of tolerance which came perilously near being religious indifference. I think it quite possible that the indirect consequence of the promulgation of this decree was foreseen by the statesmen at the Vatican. It could only have had the effect of reviving religious bitterness in its worst form. It was certain, when it was enforced, to put a weapon into the hands of Irish Protestant Unionists which they would use with considerable effect against Home Rule. This the Vatican must have foreseen, and since Rome has much to lose and nothing to gain by the establishment of an Irish Parliament, it is likely that the Pope's advisers view this result of their action with equanimity. But I think that the Irish Roman Catholic clergy, who must to some extent have been responsible for the decree, disregarded, perhaps did not expect, this indirect consequence of its promulgation, and were simply anxious to make mixed marriages as nearly impossible as they could.

CHAPTER X

THE CONSTITUTIONAL PROBLEM

By Professor J. H. Morgan

It is somewhat strange that the Home Rule controversies of 1886 and 1893 should have left so little mark upon the literature of constitutional law and of what, for want of a better term, is called political science. With the single although very notable exception of Professor Dicey,[1] I know of no jurist in this country who has been sufficiently stimulated by the magnitude of the constitutional issues involved in the question to examine it in the light of comparative constitutional law. Yet there can be no doubt that the Bills of 1886 and 1893 did, as Professor Dicey contended, involve not merely the grant of self-government to Ireland, but the creation of a new constitution for the United Kingdom. This conclusion will be the less disconcerting to-day in proportion as it is anticipated. What made it seem so intimidating in the pages of Professor Dicey was the fact that the statesmen whom he criticised had either overlooked it or attempted to evade it. Their difficulties were, in a large measure, due to the attempt to treat Home Rule as a problem confined to Ireland while defending it in terms which presumed a larger application. They talked of Federalism without having the courage to set up a Federal Parliament: they spoke of Dualism while reserving to one Parliament a veto over the other.

[1] See his "England's Case against Home Rule" (Murray, 1886), and "A Leap in the Dark" (Murray, 1893, 2nd ed. 1911).

They talked of colonial autonomy while inserting in the Irish constitution restrictions upon domestic legislation in the form of "safeguards" for minorities which no colony would tolerate for a moment.

Now, the fact that a Home Rule Bill will not fit into any one of the categories of a jurist—whether Federalism, colonial constitutionalism, or Dualism—is by no means so fatal to it as Professor Dicey would lead his readers to suppose. The Canadian constitution presents the same difficulties to the theorist [1]; and German jurists have wrangled no less inconclusively than incessantly about the legal character of the Empire and as to where its sovereignty resides [2]; yet in neither case has the practical operation of these constitutions been much the worse for the legal solecisms which they present. Indeed, it would not be too much to say with Aristotle that the "mixed" and not the pure type of government is the most successful, and that where Federalism is, as in the United States, at its purest it is also at its weakest. This, however, is only another way of saying that in the case of the Irish problem we should beware of trying to strengthen our case by an illicit use of terms or by false analogies. The Irish problem is not a federal problem, and it is not the problem of a colony. It is, however, a problem many of the difficulties of which disappear if only we have the courage to contemplate a larger treatment of it than any yet attempted. If we can make up our minds that self-government is to be extended to Scotland and to England (I waive for the moment the question as to whether devolution is either necessary or desirable in the case of Wales), then many of the dilemmas as to the supremacy of the British Parliament, the presence of

[1] The "Law of the Constitution," 6th ed., p. 162, where Professor Dicey makes a rather unhappy attempt to force the Dominion constitution into the category of Federalism.

[2] The opinion of Laband as to its being found in the totality of allied Governments represented by the Bundesrath is probably nearest the truth.

Irish representatives at Westminster, the exercise of a British veto on Irish legislation, the jurisdiction of the Privy Council, on which Professor Dicey so skilfully impaled Mr. Gladstone and his colleagues, will be in a fair way to be resolved. The result may even then fail to give us some known type of constitution, but our problem is not a metaphysical one, and even if it were we should be inclined to take sides with Pragmatists and, eschewing the pursuit of the Absolute in jurisprudence, content ourselves with the practical test, "Will it work?"

Let us begin with one rather elementary consideration. It is often contended that the grant of self-government, whether to Ireland alone or to the rest of the United Kingdom, is both reactionary and unprecedented. The progress of all civilised communities, we are told, is towards political integration, not away from it. Devolution, it is said, is gratuitous in the case of a "United" Kingdom whose very union represents an ideal imperfectly achieved by the less fortunate countries which have had to be content with something less complete in the form of Federalism. Nations or colonies mutually independent federate as a step towards union; it is unprecedented [1] to reverse the process and abandon union for looser ties of cohesion. The argument is true neither as theory nor as fact. The way for the union known as the Dominion of Canada was prepared by a movement towards disintegration in the case of "the two Canadas" now known as Ontario and Quebec. Moreover, the argument, if it is to be pressed to its logical conclusion, would have availed against the grant of self-government to the English counties under the Local Government Act of 1888; but we have never heard this substitution of local councils for the central authority of the Crown and Parliament acting through a docile Justice of the Peace described as a reversion to the Heptarchy. The law of progress—if there is

[1] Thus Professor Dicey.

one—cannot be so precisely stated, and the truth seems to lie between two extremes. To every country of any magnitude two conditions are essential for a healthy political life: the vivid local[1] life of the province, canton, or state, and the larger organic life of the nation in which these are united. The lack of such local life seems as potent a reason for a United Kingdom to devolve powers as the want of such national life is for a group of states to surrender them. It is just as possible for a union to be too close as it is for a federation to be too loose. It may even be argued that it is sometimes necessary to unite two countries under one Parliament in order to enable them later on to disunite into two. The creation of a common standard of civilisation in certain matters and of a certain measure of national sentiment may be necessary before local autonomy is either desirable or possible. Uniformity of laws in such matters as status, contract, successions, an industrial minimum, a common system of indirect taxation, are some of the subjects on which union may prepare the way for Devolution by a process of "levelling up" one country to the standard of another such as may not only not weaken the argument for Devolution at a certain stage in national history, but rather strengthen it. From this point of view it is possible at one and the same time to defend the Act of Union and to plead for its abolition. Grattan's Parliament may have been premature. It may be admitted, however, that this argument carries with it the conclusion that Devolution must be limited to certain things or it will undo the effects of union and we shall be moving in a circle. This, we think, must be admitted, and the powers which are to be conceded to an Irish or a Scottish legislature will have to be carefully defined. In this respect the two Home Rule

[1] We deliberately avoid such a term as "nation" which, however useful it may be politically, begs too many legal questions as to allegiance, &c. We already have in the British Empire an Imperial citizenship and a colonial citizenship, and it seems undesirable to extend to Ireland any of the difficulties created thereby.

Bills were to my mind unsound in principle, for instead of enumerating the subjects on which the Irish Parliament *might* legislate, they simply enumerated those on which it *might not* legislate—in other words, the "residuary" or unenumerated powers were left to the Irish Parliament—its sphere was defined negatively, not positively.

II.—*Distribution of Powers.*

This question of distribution of legislative powers between the central and local legislatures goes to the root of our problem. I am inclined to restrict [1] the local legislature to definite and defined powers because I think the whole tendency of modern communities is towards legislative standardisation. I do not mean by this, as I have already indicated above, that it is necessarily towards centralisation—*i.e.*, that it is away from Devolution towards Unification. What I do mean is that where forms of political union exist, the tendency is, while retaining or granting a certain degree of local autonomy, to secure at all costs that the central legislature shall have the residuary powers of legislation, as in Canada, or, if it has not got them, to confer increased powers upon it, as in Switzerland, or it may even be to give it a general power of legislation for "peace, order, and good government," which, as in the case of Canada, may serve to cover almost any extension of its supremacy. Even in Australia, where, owing to the late development of Federalism, the residuary powers of legislation were reserved to the States, the assumption of these powers by the central legislature is made possible by the provision of the Referendum. In these respects the modern tendency exhibits a departure from the example of the United

[1] The same result might perhaps be attained by specifically providing that matters such as criminal law and procedure, factory law, and commercial law should, although within the competence of the Irish legislature, be reserved, before receiving the Viceroy's assent, for the consideration of the Imperial executive.

States, where the plan of reserving these powers to the States and conferring upon the Federal legislature none but certain defined powers has throttled the legistive development of the nation and left it powerless to cope with grave industrial and commercial problems. The truth is, of course, that the development of means of communication, the aggregation of capital, and the mobility of labour have all pointed to the necessity of a uniform treatment of the problems they raise. Fiscal union points in the same direction, and the Australian Commonwealth had no sooner entered on the path of "scientific" Protection against the importation of "sweated" goods than they found themselves assuming powers of industrial legislation which under the Constitution they did not possess.[1] Not only economic considerations point towards such uniformity of legislation but juristic arguments also. The reservation of the residuary powers to the States in America has meant an intolerable "conflict of laws"—the law of negotiable instruments, of marriage, and of crime may, and does, vary between State and State; difficulties arise as to domicile and judicial "proof" and execution. These difficulties have been largely avoided in modern unions—in Australia and Germany and Canada, for example—by giving central legislatures exclusive or preferential treatment in these matters. Doubtless it is too late to attempt to interfere with the Scottish law of contract and marriage (Scottish lawyers might reasonably argue that theirs is a better system of jurisprudence than ours); but that is no reason why we should grant Ireland a latitude to diverge from the common law of England and Ireland which she does not at present enjoy. Anything in the nature of a new system of jurisprudence should, if possible, be avoided.

All these considerations point, I think, in the direction of confining the Irish legislature to certain definite subjects of legislation—Education, Licensing, Direct

[1] See *The King* v. *Barger*, Commonwealth Law Reports, vol. vi. p. 41.

Taxation, &c.—and proceeding on the principle adopted in Canada that whatever is not conceded is withheld. This is, moreover, the line of least resistance. It will be much easier to grant new powers to Ireland as the case arises if we have granted too few than to take old powers away if we have granted too many. Moreover, it must be remembered that it is highly desirable to limit the exercise of the Imperial veto upon Irish legislation to as few cases as possible, and this will be easier if the powers granted can be foreseen, because definite, than if unforeseen.

One of the chief difficulties, however, presented by a reservation of large powers to the Imperial Legislature is the necessity it involves of retaining the Irish members in considerable numbers at Westminster. If you are to continue legislating for Ireland in the British Parliament, you must, it is argued, allow her an equal voice with the other countries represented in those councils. From this contention there is no escape. Either Ireland must enjoy legislative independence or she must be allowed representation, and the larger the powers reserved the closer must her representation approximate to that of the other countries which jointly exercise them. I am not going to enter here into an analysis of the various attempts made to solve this question. It has been done elsewhere by Mr. Basil Williams. They were the object of much cogent criticism by Professor Dicey and his political friends. Exclusion, as he pointed out, imperilled the supremacy of the British Parliament, while retention threatened its independence; and a middle term between the two destroyed its stability. But these difficulties would solve themselves if, as I insisted at the beginning of this essay, we have the courage to contemplate a larger application of Home Rule—in other words, to adopt a scheme of Devolution for all three countries. We should then be able to exclude Irishmen from the "British" Parliament and retain them in the "Imperial" Parliament, and this without

falling into the vice of the "in"-and-"out" system, with its "two majorities," in one legislature alternately supporting and defeating a single British Cabinet, for the simple reason that no such confusion would exist. Where under the Home Rule Bill of 1893 we had a single British Cabinet at the mercy of two conflicting majorities—one wholly British, the other partly British and partly Irish—we should now have two Cabinets, or rather three, each with its own homogeneous majority, in a separate legislature—an English Cabinet with an English majority, a Scottish Cabinet with a Scottish majority, and an Imperial Cabinet for the United Kingdom with a majority representing the whole. I might pursue this much farther, but a little reflection on the part of the reader will, I think, suggest to him the extent to which this plan avoids the difficulties which inevitably present themselves if we have Irishmen voting on all subjects or on some subjects in a Parliament in which they are but indifferently interested, or not voting at all in a Parliament which is vitally interested in them.

The question arises at this stage as to the *personnel* of the local and central legislatures. Should it be the same? Should our Irish and Scottish and English legislators also be Imperial legislators, dividing their time between Westminster and the provincial capitals? Obviously not. To begin with, Devolution of legislation means Devolution of administration—we do not wish to set up mere local committees like the Scottish Committee on Private Bills. We are suffering just as much from excessive centralisation of the executive as of the legislature, and the two are inseparable. Obviously, therefore, the local legislatures cannot all terminate at the same time; the local Cabinets must be free to dissolve when they please. It would be impossible to construct an Imperial Parliament of members whole contingents of whom were liable to retire at different times.

Moreover, one of the strongest arguments for Devolution is that it will tap new sources of political vitality—

that many professional and business men, farmers and workmen, in Scotland and Ireland who are precluded by the length of the Parliamentary session or by their distance from Westminster from seeking seats in the Imperial Parliament, might be induced to enter political life under the less exacting conditions which would prevail at Dublin and Edinburgh. The great thing to secure is the removal of provincial problems from the arena of party strife, and above all to remove the incubus of that curse of modern politics, the caucus, with its tendency to stamp out all local or personal individuality. I am well aware that Federalism has not saved America from the caucus, but the reason is one which we shall certainly be at pains to avoid—the dependence of one House of the central legislature, the Senate, on the local legislatures for its election. Of course the system we have outlined not only presupposes two general elections, central and local, and two classes of constituencies, but permits, if it does not demand, two franchises. That, however, is hardly a matter for regret, and it may be found to provide a solution of the vexed question of Women's Suffrage.

III.—*Restrictions.*

There remains the question of restrictions upon legislative autonomy. It is not sufficient, it may be argued, to confine the local legislature to certain topics; care must be exercised that the powers thus granted are not abused. The rights of minorities must be protected.

There are three ways in which the legislation of an Irish Parliament may be restricted in order to protect the rights of minorities or to secure Imperial interests: (1) By the superior obligation of Imperial legislation; (2) by the exercise of an Imperial veto; (3) by the action of the courts in declaring invalid any Irish Act which contravenes any restrictions imposed by the new constitution. All

three methods were adopted in the Home Rule Bill of 1893, and on the face of it the position of the Irish Parliament was assimilated to that of the legislature of a self-governing colony. The resemblance was, however, but superficial, and if we were to seek for adequate analogies we should find them in the relation of the provinces of Canada towards the Dominion Government under which they are united. In other words, the relationship established between England and Ireland was neither "Colonial"[1] nor Federal, but something that partook of the character of both. Ireland was not to occupy the position of an American State because her legislation was to be subject, like that of any colony, to the superior legislation and to the executive veto of the Imperial Government. On the other hand, she was not to occupy the position of a colony, inasmuch as her legislative autonomy was confined to certain subjects, legislative powers being distributed between Ireland and Great Britain on the same principle (though in quite different proportions) as they are distributed between Quebec and the Dominion. But the Irish legislature was made subject to two checks which are absent in the case of a Canadian province: (1) It was to be absolutely subject to the supremacy of the Imperial Parliament;[2] (2) its legis-

[1] The vocabulary of comparative constitutional law is notoriously meagre. I am compelled, in order to avoid circumlocution, to use this word to describe the constitutional relations which, as a rule, obtain between the Imperial mother-country and the self-governing colonies.

[2] The supremacy of the Dominion Parliament over the provinces is not complete. It has a power to legislate for the "peace, order, and good government" of Canada, and this power has been interpreted so as to enable it to legislate concurrently on matters which admittedly fall within the sphere of the provinces (cf. *Russell* v. *Reg.* 7 A. C. 829). But unless its legislation can be so interpreted it cannot encroach on the sphere assigned exclusively to the provinces under section 92 of the British North America Act. This limitation matters less, perhaps, as all the residuary powers of legislation, *i.e.*, all that are not expressly granted, are reserved to the Dominion. If the opposite principle is to be adopted here and the residuary powers are to be conferred on the Irish Parliament—a principle my objections to which I have stated above—then it is more than ever necessary to safeguard the Imperial supremacy in unmistakable terms.

lation, even when within the powers assigned to it, was to be "restricted" by certain rules for the protection of the subject against discriminatory or confiscatory or what for want of a better term may be called extra-judicial legislation.[1] These restrictions are, to my mind, vital to any measure of Home Rule, and must profoundly affect the character of the relationship between the two countries. For one thing they make all idea of granting Ireland "colonial" independence impossible. The necessity of protecting minorities demands restrictions on Irish legislation, admittedly domestic though it be in character, which are quite incompatible with colonial independence. Indeed, it may reasonably be contended that the larger the sphere of legislation we concede to Ireland the greater must be the "restrictions" or safeguards placed upon its possible abuse. If we are going to give Ireland all the residuary powers, we shall be the more obliged, as the framers of the fourteenth and fifteenth Amendments to the United States Constitution were obliged, to provide that those powers do not infringe the rights of Imperial citizenship or seriously modify the fundamental principles of the common law. It might, of course, be contended that these restrictions are prejudicial to the autonomy of the Irish Parliament, as no doubt they are, and that the Irish Parliament should be trusted to work out its own salvation, subject only to the exercise of the veto of the Crown or the remedial legislation of the Imperial Parliament in case of abuse. This, of course, would be more in accordance with colonial precedent, but the answer to this is that the veto is only tolerated in the case of the colonies because it is largely inoperative. It is never used to protect minorities ; the attempt to make colonial governors paramount chiefs in order to protect native

[1] There is something resembling this in the limitation, in section 93 of the British North America Act, upon provincial legislation affecting the status of voluntary schools, but the resemblance does not go far.

rights has, as in the case of Natal and Western Australia, nearly always ended, and no doubt in the case of the South African Union will also end, in the local Ministry making the exercise of this prerogative subject to its advice. We do not want to make the rights of minorities in Ireland dependent on a veto of the Crown exercised by the Lord-Lieutenant, on which the majority will constantly be encroaching. Were it possible for the British Government, rather than the Irish Government, to "instruct" the Lord-Lieutenant as to the exercise of that veto, it would seem desirable to restrict the occasions of its exercise to as few as possible, especially if some or all of the Irish Members are to remain at Westminster—able and anxious to exercise pressure in such cases. A series of judicial decisions as to the rights of minorities are likely to produce less friction and less uncertainty than an occasional contradictory, and it may be partisan, exercise of an executive veto by the party in power at the moment in the British legislature. It is of the essence of a settlement of the Irish question that constitutional issues should be removed from party strife and that an Irish party, *as such*, at Westminster shall cease to exist. The exercise of the veto by the Imperial Government in the case of colonial legislation has been, in practice, confined to cases where extra-colonial interests are involved—for example, immigration and merchant shipping. The colonial analogy fails us at many points; naturalisation, defence, fiscal policy—all these are conceded to the colonies, but I doubt if any of them can be granted to Ireland. And if they be not granted, restrictions to prevent their being indirectly usurped are inevitable. If fiscal policy is to be uniform, we must impose restrictions on legislation discriminating against branches of Irish businesses carried on in England; if naturalisation is to be uniform, we must take care that the privileges attached to it are uniform. In other words, we have to secure a common citizenship for the two countries, and this can only be done

by restrictions upon discriminating legislation which the judiciary will define and enforce. If Irishmen object that the effect of this will be to subject them to "judge-made law," my answer is that the mere fact of the concurrent existence of the veto is likely to make the Exchequer judges in Ireland and the Judicial Committee in England only too ready to take advantage of it to limit their own jurisdiction. The Privy Council in colonial cases have always shown the greatest possible reluctance to assume the functions of the Supreme Court of the United States. Wherever they could they have declined to look beyond the actual intentions of Parliament as expressed in the constitution before them, and if the colonial Act under consideration has not infringed the letter of that constitution they have refused to declare it *ultra vires*, merely because it was opposed to federal principles or repugnant to the common law of England. In such cases they have preferred to lay the responsibility of any consequences of such opposition or repugnancy on the Imperial executive on the express ground that it lies with the executive in such cases to exercise its veto if need be.[1] The whole tradition of the Privy Council has been in favour of legislative autonomy. I do not think, therefore, that one need apprehend a very despotic or arbitrary exercise of their powers by the judges.

It remains to consider what these restrictions are to be. It must be admitted at the outset that the problem is not an easy one. Let us set out here the principal restrictions which were adopted in the Home Rule Bill of 1893. No law might be made

"Imposing any disability, or conferring any privilege, advantage, or benefit on account of religious belief" . . . (iv. 2).

"Directly or indirectly imposing any disability, or conferring

[1] Cf. the decisions of the Judicial Committee in *Bank of Toronto* v. *Lambe* (a Canadian case) L. R. 12 A. C. 575 and *Webb v. Outtrim* (an Australian case) A.C. (1907) p. 81. Cf. on repugnancy the remarks of Cockburn, C.J., in *Phillips* v. *Eyre*, 4 Q.B. 225.

any privilege, benefit, or advantage upon any subject of the Crown on account of his parentage or place of birth or of the place where any part of his business is carried on" . . . (iv. 7).

"Whereby any person may be deprived of life, liberty, or property, without due process of law in accordance with settled principles and precedents, or may be denied the equal protection of the laws, or whereby private property may be taken without just compensation" (iv. 8).

With these we may compare similar restrictions imposed upon the legislation of the States by the American Constitution (Amendment XIV.) :—

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ;

"Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

Unfortunately the parallel, although very close, does not help us much when we come to consider what interpretation English judges would put upon such guarantees. In America "due process of law" has one meaning in the Federal system and another in the individual States. In the former it is secured to the nation by the same words as secure it to the States, but these words are defined in the case of the nation by reference to another article which guarantees trial by jury in the Federal courts ; in the State courts, in the absence of such reference, no such guarantee exists, and due process of law does not necessarily secure trial by jury.[1] Neither will it do so in Ireland. It is unsafe to dogmatise when the opinion of the law officers in 1893 was so hopelessly ambiguous, but, judging by American analogies, I am inclined to say that all that these words would secure would be the interpretation put upon them by Story, the great American jurist—namely, the security of a judicial hearing. They are less a check on the legislature than

[1] See *Walker v. Sauvinet*, 92 U.S. 90.

on the assumption of judicial powers by the executive, and if the Irish legislature chose to alter the criminal law by increasing the powers of courts of summary jurisdiction or diminishing the opportunities of trial by jury, it is very doubtful if it could be held to have exceeded its powers. One distinguished American jurist [1] goes the length of saying that "whatever the State establishes will be due process of law." Would the clause operate to prevent the passing of Acts of Indemnity taking away the rights of action of parties aggrieved by the action of the Executive? In America it probably would, on the ground that such rights come within the category of "property," but it is very doubtful if it would do so here. Such Acts can hardly be said to be contrary to settled precedents and principles in this country, and we must look rather to the exercise of the Imperial veto to annul them than to decisions of the courts. In any case, American analogies cannot carry us very far, because English judges in interpreting "due process of law" would presumably look not only to the common law but to existing statute law—the Summary Jurisdiction Acts, for example—for precedents. It seems to me that the safeguards devised by this clause would be more efficiently provided if criminal law and criminal procedure were either reserved to the Imperial Parliament or were included among the subjects of Irish legislation, assent to which is to be expressly "reserved" for the consideration of the Imperial Executive.

The seventh clause is less ambiguous and would be of real service in preventing legislation discriminating between inhabitants of Ulster and of the rest of Ireland, native-born Irish and Irish by domicile. It would, for example, prevent the Irish legislature from confining the franchise to any one of these categories at the expense of the rest.

It is obvious from what has been said above that each of these three checks—legislative, executive, and

[1] See Cooley, "Constitutional Limitations."

judicial—must be relied on to supplement the deficiencies of the other. It is in regard to the operation of the first two that the greatest uncertainty must prevail if the Bill of 1893 is followed, because that Bill, while setting up a Federal judiciary to exercise the judicial check, neglected to set up a Federal Parliament and a Federal Government to exercise the legislative and executive checks. This is one of the inevitable consequences of confining our consideration of the question to Ireland. In Canada all these checks operate with something like completeness, because all three have the appropriate organs for their exercise—the Federal system is complete.

CHAPTER XI

HOME RULE FINANCE

By Charles Roden Buxton

I.

The financial side of Anglo-Irish relations is the reflection, or perhaps one might say the equivalent in mathematical terms, of the dealings between the two peoples in the past and in the present. Further, the money question is a vital one, because it impinges on all sides upon problems of high policy. England's control over Ireland, the position of the Protestant minority, Ireland's representation at Westminster—none of these points can be settled without reference to finance; and the degree of success which will attend self-government depends largely upon the money arrangements now made. These arrangements, again, whatever they may be, will probably be seized upon by the enemies of Home Rule as the most tangible point of attack; and it behoves its defenders to examine all the possibilities, to choose between them coolly and wisely, and not to be deflected from their choice at the last moment by arguments or figures with which they were not thoroughly familiar at the outset. It will be my aim, by dispelling the confusion which surrounds the subject, to show how wide a field it opens up for far-seeing but practical statesmanship, and to present in rough but definite outline all the main considerations which must be held in view.

II.

And first of all, this question resembles all other Irish questions in the fact that it cannot be considered in the light of the present alone. This is a hard saying for the stronger partner, always ready enough to "let bygones be bygones." But the fact must be faced. I say nothing of the permanent injury done to Ireland's trade and manufactures in earlier times; I limit myself to the period since the Union. Whether we look at the definite agreement expounded by Castlereagh, or whether we regard simply the general principles of public finance, it is impossible to escape the conclusion that she has been treated with gross injustice from the fiscal point of view. Regarded as a separate fiscal entity (as it is obvious she must be, if her financial relations with Great Britain are to be discussed at all), she has been taxed both beyond her strength and beyond the stipulated proportion. The result of this overtaxation has been not merely to withdraw a large annual sum, but to affect also her capital account. Capital has been prevented from accumulating for the development of the country, in an age when such accumulation was more necessary than ever before. Ireland's resources are less to-day than they ought to be, in consequence of the financial action of Great Britain in past years.

This matter was exhaustively discussed by the Royal Commission on the Financial Relations between Great Britain and Ireland, which reported in 1896.[1] What is the true test of the relative taxable capacity of two countries—income tax, death duties, foreign trade, consumption of necessaries, total estimated income, or total estimated income *minus* a deduction for subsistence? These questions land us in a bottomless abyss of disputation. For most of us it will be enough to know that the Commissioners set them forth and thrashed them out in some two hundred large pages, and that

[1] 1896, Cd. 8262.

they reached certain conclusions which, failing equally exhaustive research on our part, we may reasonably accept. They unanimously reported, among other things, "that the Act of Union imposed upon Ireland a burden which, as events showed, she was unable to bear," and "that, whilst the actual tax revenue of Ireland is about one-eleventh of that of Great Britain, the relative taxable capacity of Ireland is very much smaller, and is not estimated by any of us as exceeding one-twentieth." This estimate was based on the aggregate money income of each country. Some of the Commissioners, however, and other authorities such as Sir Robert Giffen, held that the only income which is justly "taxable" is that which remains over after the bare necessities of life have been paid for. Judged by this test, the relative taxable capacity of Ireland proved to be no more than one-thirty-seventh. The figures throw a lurid light on the extreme poverty of the Irish people, and the difficulty of devising any uniform system of taxation which shall be equally adapted to both partners. The poorer of the two has been compelled to spend on the princely scale of the richer.

We may obtain a rough estimate of the amount of overtaxation by taking the figures arrived at by the Right Hon. Hugh Childers, the first Chairman of the Commission. Accepting the more moderate estimate of one-twentieth, and making allowance for the fact that certain services which in Great Britain are paid for out of rates are in Ireland paid for out of taxes, he arrived at the conclusion that she was being overtaxed to the amount of about £2,225,000 a year, and he recommended that an annual grant of this sum should be made to Ireland, revisable at the end of (say) fifteen years. Looking back over the whole century, we should not go very far wrong in taking that figure as an annual average. The proportion borne by Irish taxation to the whole taxation of the United Kingdom has not greatly varied. It rose somewhat

in 1853, when the rates of taxation were made uniform on both sides of the Channel. In 1859-60 it was actually one-eighth of the whole. On the other hand, it has slightly fallen of late, though it is only in the last three years that it has fallen as low as one-fifteenth. The amount of overtaxation, even if we make no allowance whatever for accumulations of interest, cannot be less than £200,000,000. History has endorsed the prophecy of Dr. Johnson. "Do not make an union with us, sir," said he to an Irish gentleman; "we should unite with you only to rob you."

The exact extent of the wrong is incapable of measurement. But let not any Englishman take refuge in the conclusion that, because the debt is uncertain in quantity, it is therefore wiped out. On the contrary, this great financial obligation governs the whole problem that we are considering, and it is for this reason that I have placed it in the forefront of my argument. Nothing but evil can come of refusing to face the fact of past injury, and the necessity of restitution. And though accuracy is impossible, some kind of rough justice can certainly be done. There are several obvious methods of restitution. Something has been done already. Since 1891 on a small scale, and since 1903 on a large scale, the credit of the United Kingdom has been used for financing land purchase.[1] In the last few years there has been a great increase of public expenditure in Ireland on social reform and especially on Old Age Pensions.[2] These changes do not diminish the overtaxation: they leave it as it was. But they do intro-

[1] See the chapter by Mr. Erskine Childers.

[2] I do not include here the remissions of loans which are sometimes set off against overtaxation. Many of these loans would more properly have been treated as Imperial expenditure. Many of them were of little benefit to Ireland. And apart from these considerations, a "restitution annuity" was charged until 1897 upon the Local Loans Fund, to recoup the State for sums lost, including the remissions here referred to. The nominal amount of the remissions since the Act of Union was £10,619,000 on March 31, 1910. (See Financial Relations Report already quoted, and Local Loans Fund Accounts, H.C. Return No. 27 of 1911.)

duce an element of compensation. This could not be said of expenditure which merely meant a more costly machinery of government, but it can fairly be said of financial assistance such as we are considering here—assistance which is contributing largely and directly to Ireland's prosperity, and may therefore be set off, as far as it goes, against the overtaxation of the past.

Apart from what has been done already, there are six methods of restitution: (1) The use of United Kingdom credit might be continued until the process of land purchase is complete. (2) Ireland might be credited with her revenue "as collected," a larger sum than the "estimated true revenue" given in the Treasury Returns. (3) We might remit Ireland's share of the National Debt. (4) We might exempt her from an Imperial contribution. (5) We might undertake certain specified services for Ireland, such as Old Age Pensions. (6) We might make a direct grant, either annually or in a lump sum. With all these suggestions I shall deal below.

III.

I come now to the actual state of the account between Great Britain and Ireland. This question, already sufficiently complicated, has been further confused by the action of the House of Lords in rejecting the Budget of 1909. To arrive at the true position, the least objectionable course is to take the average revenue of the last two financial years—the first of which shows a deficit, the second a surplus—and to add something in respect of the new taxes of 1909, which did not at first reach their full productivity. On this basis the "estimated true revenue" of Ireland would be about £10,092,250, while the expenditure for the last financial year is £11,344,500, leaving a deficit of £1,252,250.[1]

[1] See the latest Returns, Revenue and Expenditure (England, Scotland, and Ireland) H.C. No. 233 of 1910 and No. 220 of 1911, Imperial Revenue (Collection and Expenditure) (Great Britain and Ireland), H.C. No. 234 of 1910 and No. 221 of 1911; also H.C. No. 128 of 1910, where the yield of the 1909 taxes is estimated, on the basis of "true revenue."

The difference is mainly due to the Old Age Pensions Act. It should be noted that this is the first time since the Union that Irish expenditure has exceeded Irish revenue. Ireland has been anything but a pauper in the past. Her Imperial contribution has at times risen as high as £5,000,000, and has amounted since the Union to much more than £300,000,000—a figure which must be clearly distinguished from that of "overtaxation." It simply represents the balance of "estimated true revenue" over "local (*i.e.* Irish) expenditure."

The Treasury figures, however, by no means tell the whole story. Indeed, quoted without explanation, they are misleading. First of all, the estimate of "true revenue" is admittedly guesswork. It is, of course, true that large quantities of spirits, tobacco, and beer, although they pay excise duty in Ireland, are consumed in Great Britain. It is the British consumer who pays the tax, and therefore the revenue derived from these taxes is regarded as British revenue and not Irish. On the other hand, a great quantity of the tea, for instance, which pays duty in Great Britain is consumed in Ireland; and the same is true of sugar and other articles. A certain amount of income tax, again, is paid in Great Britain by deduction at the source, though the person on whose income it is paid may reside in Ireland; and this amount is therefore held to be Irish revenue. All this is reasonable enough; but as there is no customs cordon between Great Britain and Ireland, and the movement of dutiable articles between the two countries is not accurately recorded, vague estimates have to take the place of definite knowledge. The methods adopted in making these estimates are fairly described in House of Commons Return No. 313 of 1894. They are there described as "purely conjectural"; phrases such as "hypothetical approximation" and "arbitrary hypothesis" are scattered throughout the Return, which does not, it is said, "profess to put forward authoritative decisions." But these explanations have been quietly

omitted in subsequent Returns, and their place is taken by a mere reference. Strong reasons may be given for thinking that the "true revenue" credited to Ireland is far too small.[1]

Ireland's "true revenue" could only be estimated with anything like accuracy if the movement of dutiable articles across the Channel were definitely recorded. Even then it would be incompletely estimated, for there is no method by which the revenue derived from stamps and income tax could be properly allocated between the two countries under a unitary system of taxation. The only clear test is the actual amount of revenue collected in either country. In my opinion, in view of the extreme importance of absolute definiteness, and the consequent avoidance of disputes, we should adhere to this test in any arrangement that may be hereafter adopted, short of setting up a customs barrier. If we wish to avoid such a barrier, we must be prepared to pay the price.

The Treasury allocation of items between Great Britain and Ireland is open to yet further criticism. It may well be argued that, under the Union, the collection of taxes and the working of the Post Office, Telegraphs, and Telephones, should be regarded as United Kingdom services, instead of being split up between Great Britain and Ireland. The cost of the former should not appear as "local" expenditure at all; the profit on the latter should be credited to the two partners in proportion to population. And at least half of the enormous expenditure on the Irish police should be regarded as a United Kingdom charge, the force having been established, and maintained, largely for Imperial reasons.

If, with a view to ascertaining the present state of the account between Great Britain and Ireland, we made

[1] I cannot go into this question here; but it is one of vital importance. See an able pamphlet, "The Financial Relations of Ireland with the Imperial Exchequer," by An Irishman (M. H. Gill & Son, 1911). See also the Reports of the Department of Agriculture and Technical Instruction, Ireland, on Imports and Exports at Irish ports.

the readjustments above suggested, the Irish revenue would amount to about £11,079,000 and the Irish expenditure to £8,909,750, leaving a surplus of £2,169,250. The discrepancy between my figures and those of the Treasury Returns illustrates the Protean character of the financial relations problem. The truth is, that the Returns are an attempt to estimate how much the United Kingdom would gain or lose if Ireland ceased to exist. That is a legitimate subject of inquiry, but it does not tell us anything as to the amount which Ireland ought, under a fair system, to receive or pay. I submit my figures as representing, on the whole, the fairer system of book-keeping.

Under Union conditions, the whole question is one of book-keeping and nothing more. Its real interest lies in the light it throws on the Irish Budget of the future. And it must be admitted that it throws very little. The present Budget is not what might be called a "natural" one. Both revenue and expenditure may in course of time be reduced. Irish revenue has been raised with a view to the conditions, not of Ireland but of Great Britain. Irish expenditure has steadily grown ever since the Union, and is now on a scale adapted, not to a poor, agricultural country, but to a rich, industrial one. It far exceeds, for example, that of a country like Sweden, with much the same population. Local knowledge and public control are not brought to bear on the Estimates. Ireland has no direct interest in effecting economies. The outcome is just what might have been expected—a Government of "experts," holding the world's record for extravagance.

Such are the results of Union finance; the results which must inevitably follow when one nation endeavours, even with the best will in the world, to decide the details of government for another.

The time is ripe for a financial settlement. Ireland is no longer a "paying" part of the United Kingdom. What is more, we English see before

us, under Union conditions, a vista of steadily and inevitably increasing expenditure on Ireland. Looking at the question from another point of view, we see that, under any system that may be chosen, the material ties now uniting Ireland to Great Britain will be strong, and the spectre of "separation" becomes more than ever before the baseless fabric of a vision. We shall heave a sigh of relief when we find that we can make an arrangement which will be not only just but economical, and not only economical but safe.

IV.

It remains for me to describe the various financial policies between which a choice must soon be made. But I would add one word of caution. This problem is not a maze from which there is only one exit. We are not to suppose ourselves confronted, to use another metaphor, with one of those mechanical puzzles which can only be made to work by a single spring, ingeniously concealed. On the contrary, there are several exits from the maze, and several springs to the machine. Those who start with the supposition that self-government is impossible or undesirable will doubtless find plenty of objections to any of the schemes. But to those who believe in the healing and invigorating effects of national freedom, the financial question will take its proper place as a question of method—vital indeed, but not a matter of principle rendering compromise impossible. With goodwill, any one of the schemes can be worked. I should, perhaps, add here that none of them is inimical to "Home Rule all round"; any of them could be so modified as to fit into a federal system, if and when it comes to be established. Meanwhile the case of Ireland is the urgent case, and should be dealt with on its own merits.

Two other questions seem to call for discussion here. Shall there be an Imperial contribution, and shall there be any payment on account of a share in the National

Debt? I have already put forward the remission of these charges among the possible methods of restitution for the overtaxation of the past. I believe their remission to be fully justified on that account alone.

The whole subject of restitution, however, must be viewed as one. The other methods suggested may be brought into play. It may then be thought desirable for Ireland to make, in return, an Imperial contribution or a payment on account of the Debt. I shall sketch out such an arrangement when I come to deal with the first of the possible types of settlement. It might quite reasonably be advocated, either on ground of sentiment or on grounds of clear book-keeping.[1]

But I am bound to add that, apart altogether from the question of restitution, both the Debt payment and the contribution are open to considerable objections. As to the former, how much has Ireland really gained from the expenditure represented by the National Debt? By how much would that expenditure have been diminished if Ireland had never existed? And the subject of the contribution suggests questions no less searching. Ireland certainly profits by Imperial expenditure ; but in what proportion? Ireland left to herself would certainly need defence ; but what fraction of the £80,000,000 now spent on Imperial services would she really need to spend? On any fair system, the contribution would be very small ; yet it could not fail to yield occasions of dispute, out of all proportion to its importance. We have to bear in mind that no such payments are being made by Ireland at the present moment ; that none of our self-governing dominions makes any compulsory contribution ; and, moreover, that it is highly probable that Ireland would in time (as in the days of Grattan's Parliament) make a voluntary one. Is it worth our while, for the sake of a trifling

[1] If an Imperial contribution is paid, it should, in my opinion, be a certain fraction—say one-tenth—of Irish revenue, not of total Imperial expenditure.

tribute, to jeopardise the prospects of a harmonious settlement? [1]

We are now in a position to consider the three main types of settlement.[2] Endless variations, I need hardly say, are possible in the details. In order to make matters clear, and to shirk no difficulties, I give a specimen Budget in each case, based, of course, on the present revenue and expenditure. I use the Treasury figures where available, but there are so many elements of uncertainty in the financial situation that I do not pretend to perfect accuracy; my object is rather to give a rough notion of the way in which the various systems would "work out." It is assumed in each case that the Post Office, Telegraphs, and Telephones are conducted as a United Kingdom concern, and that Ireland shares in the profits in proportion to population; also that half the cost of the police in Ireland is, on the grounds already mentioned, paid by the United Kingdom.

A. *The Devolutionist type.*—Its distinguishing feature is that, whatever arrangements may be made for allocating and spending the revenue, little or no change takes place in the present mode of raising it. That remains, broadly speaking, the affair of the United Kingdom Government; Ireland has no power, or at least no substantial power, of taxation.

Two proposals on these lines were put forward by Lord MacDonnell in an address at Belfast on February 23, 1911. The first is the so-called "Contract System," adopted in the Irish Council Bill of 1907. He suggests that the United Kingdom Parliament, while controlling the imposition and collection of all taxes, should pay back annually to Ireland either (1) a grant to be fixed at intervals by delegates from the two Parliaments, or (2) the whole of the taxation collected

[1] For a full discussion of these questions, see Financial Relations Report, above quoted, esp. pp. 188–9.

[2] See the chapters by Mr. F. MacDermot, Mr. R. C. Phillimore, and Mr. Basil Williams. I adopt a principle of division suggested to me by Mr. MacDermot.

in Ireland, less an Imperial contribution. The expenditure of the sum so paid back would be in Irish hands entirely, and the savings made under one head could be devoted to some other purpose.

A further development of the same principle is the suggestion that Old Age Pensions and similar reforms should be paid for by the United Kingdom Government, such charges being distinguished from those of ordinary administration, and also from those which are peculiar to Ireland, like the Congested Districts Board.[1]

Taking Lord MacDonnell's second proposal, and adopting the above suggestion as to Old Age Pensions, &c., the scheme would work out somewhat as follows. I assume that as the United Kingdom imposes and collects all taxes, it will also pay for their collection ; and that Ireland will be credited with a share, in proportion to her population, of what is called " miscellaneous Imperial revenue " (chiefly from the Mint and from certain fee and patent stamps), and of the receipts from the Suez Canal shares and sundry loans. I further assume—this should be carefully noted—that as Ireland is treated thus generously, she pays in return an Imperial contribution consisting of one-tenth of her revenue, and a share of the annual payments on account of the National Debt, based on (*a*) the average payments of the last ten years, and (*b*) her taxable capacity calculated at the maximum estimate of one-twentieth.

These figures are largely, of course, mere suggestions, but they show that under such a scheme Ireland would probably obtain more favourable financial terms than under any other. Indeed, one of the objects of such a scheme would be to compensate her, not only for past overtaxation, but for the entire absence of control over her revenue. That absence of control, however, is a serious matter. It is a very considerable derogation from the grant of self-government. It would put Ireland in a less independent position than even a subordinate State in Canada or Australia.

[1] See the chapter by Mr. R. C. Phillimore, who prefers the name of " Federal " to that of " Devolutionist."

SPECIMEN BUDGET UNDER DEVOLUTIONIST SCHEME.

REVENUE.	£
Revenue as collected (average of last two financial years, with correction in respect of 1909 taxes) apart from Post Office, &c.	10,621,000
Share of Post Office, &c., profits	458,000
Share of Miscellaneous Imperial Revenue, Suez Canal receipts, &c.	276,950
	£11,355,950
Expenditure	8,961,475
Surplus	£2,394,475

EXPENDITURE.	£	£
Expenditure, apart from Post Office, &c.		9,940,000
Deduct—		
Collection of Taxes...	298,000	
Half cost of Police	732,250	
Old Age Pensions	2,408,000	
		3,438,250
		£6,501,750
Payment on account of National Debt		1,407,000
Imperial Contribution...		1,052,725
		£8,961,475

On the other hand, the scheme avoids the raising of many troublesome questions at the outset, and, if regarded as a temporary one, it has the advantage of giving time for "looking round" and preparing the way for a more permanent arrangement. Incidentally, it provides, of course, an overwhelming security for any sums due to the United Kingdom Exchequer.

B. *The Gladstonian type*.—This is based upon the imposition of customs and excise duties by the United Kingdom, and of direct taxation by Ireland.

I suggest a form which this type, if adopted, might reasonably take.

Ireland's right of direct taxation should be exclusive; the United Kingdom should not have concurrent powers. Customs should be collected by United Kingdom officials as at present; excise, though imposed by the United Kingdom, should be collected by Irish officials. The total revenue should be credited to Ireland "as collected." Ireland should pay for the collection of her taxes, except customs. She should undertake the whole burden of Old Age Pensions and similar social reforms. On the other hand, she should pay nothing on account of National Debt or Imperial contribution, and receive no share of the miscellaneous Imperial revenue.

Past experience lends some countenance to this type of financial settlement, since in one shape or another it was favoured by Gladstone both in 1886 and 1893. It is a compromise between fiscal unity and fiscal autonomy; and compromises are dear to the Englishman. Its general outlines are those of the chief federations of the world—the United States, the German Empire, Switzerland, the Dominion of Canada, the Commonwealth of Australia. It would put it into the power of the new Parliament to readjust a part, at least, of Irish taxation, in accordance with Irish needs. It provides, in the customs duties collected by the United Kingdom, a sufficient security for sums due to the United Kingdom Exchequer. It avoids the restrictions and inconvenience caused by a tariff barrier, and re-

SPECIMEN BUDGET UNDER GLADSTONIAN SCHEME.

Revenue.	£	Expenditure.	£	£
Revenue as collected (average of last two financial years, with correction in respect of 1909 taxes), apart from Post Office, &c.	10,621,000	Expenditure, apart from Post Office, &c.		9,940,000
Share of Post Office, &c., profits	458,000	Deduct—		
	£11,079,000	Collection of Customs, say	50,000	
		Half cost of Police	732,250	782,250
				£9,157,750
		Cost of including paupers in Old Age Pensions Scheme for three-fourths of a year,[1] say		180,000
Expenditure	9,387,750	Cost of National Insurance,[2] say ...		50,000
Surplus	£1,691,250			£9,387,750

[1] The increase in the cost of Irish pensions in the last financial year, owing presumably to the paupers being included for the last quarter, was about £60,000.

[2] Total cost to the State for 1912–13, according to Mr. Lloyd George's original estimate, £2,500,000.

moves the fear that Ireland might impose protective duties against British goods.

Lastly, it would involve favourable financial terms for Ireland—not perhaps so favourable as under a Devolutionist system, but more so than under one of wider fiscal autonomy. Assuming that some power of independent taxation is to be given to Ireland, it is still important for her, no doubt, that Great Britain should continue to treat her as, to some extent, a financial partner, and in particular, should continue to raise the Irish land stock through the agency of the National Debt Commissioners ; and it may be argued that these things are more likely to happen if Great Britain retains control of Ireland's customs and excise, and still regards the United Kingdom as a financial unit.

The objections to this system are three. It excites a fear, in my opinion unfounded, that the Irish Parliament would impose new direct taxation, injurious to the industrial interests of the north-east of Ireland. It gives Ireland control over the smallest part of her tax revenue—£2,330,000 out of £10,409,000 —and what is more, over that part which stands in least need of alteration. Thirdly, regarded as part of a scheme for federation, it would make the Federal Government dependent for its income on indirect taxation only—a condition of affairs which Free Traders, at any rate, would prefer to avoid.

C. *The Colonial type*, or fiscal autonomy.—The whole Irish revenue, customs and excise included, would be imposed, collected, and spent by the Irish Parliament. To avoid misunderstanding, I should add that, in matters other than financial, the United Kingdom would retain more control over Ireland than over a self-governing dominion.

This scheme would have one important financial consequence. The Irish Parliament would raise somewhat less revenue than that which is now collected in Ireland ; she would have, for instance, to give a rebate of the excise duty on whisky exported to England, if that

whisky would be subject to a customs duty on landing there. What would be the total diminution we cannot say. Perhaps the safest method is to take the "estimated true revenue" according to the Treasury figures, allowing for the yield of the 1909 taxes in a full year. But the caution must be repeated, that the figures are probably much too low.[1]

For this difference in revenue, compensation would have to be made. It would be grossly unjust to leave Ireland to depend solely on her present resources, when those resources have been crippled, and her expenditure unduly inflated, by the conduct of Great Britain in the past. It would be leaving her to "stew in her own juice," when the juice had been prepared by alien and for the most part unfriendly cooks. That particular method of restitution for the past which consists in giving Ireland her revenue as now collected being no longer applicable, we should turn to other methods. In the Budget that follows, therefore, I assume that Ireland makes no payment at present in respect of debt or Imperial expenditure, and receives a grant of £1,000,000 from Great Britain. With regard to the Post Office and the police I make the same assumptions as before; but Ireland pays, of course, for the collection of all her taxes.

I have endeavoured to present all sides of the financial question without bias. But I cannot refrain from expressing the strong conclusion to which its study has led me. While I recognise that British opinion, even after the striking lesson of South Africa, may insist upon a compromise in this matter, as indeed the Nationalist leaders themselves appear to hold, I still regard complete fiscal autonomy as the best of all solutions; and I think that, whether adopted or not, it ought to receive the fullest consideration from all parties. It is simple and intelligible. It is the only system which

[1] See above, pp. 131–3, and Notes. I am inclined to think that the actual figure would be at least £225,000 higher.

SPECIMEN BUDGET UNDER COLONIAL SCHEME.

Revenue.	£
Estimated true revenue (average of last two years, with correction in respect of 1909 taxes) apart from Post Office, &c. ...	8,936,750
Share of Post Office, &c., profits	458,000
Temporary Grant from United Kingdom ...	1,000,000
	£10,394,750
Expenditure	9,437,750
Surplus	£957,000

Expenditure.	£
Expenditure, apart from Post Office, &c. ...	9,940,000
Deduct—	
Half Cost of Police	732,250
	£9,207,750
Cost of including paupers in Old Age Pensions Scheme, as above	180,000
Cost of National Insurance, as above	50,000
	£9,437,750

makes it possible to exclude all Irish representatives from the United Kingdom Parliament (and therefore from any undue control over British affairs) until such time as that Parliament may be re-established on a federal basis. It enables Ireland to suit her taxation to her needs, and relieves her from the fear of a "Tariff Reform" scheme framed in the supposed interests of Great Britain. It gives autonomy in fiscal matters, not to Ireland only, but to Great Britain herself. It is the only real solution of the problem of "taxable capacity," for it leaves it to Ireland herself to decide what she can or cannot bear. It avoids those recurring disputes over pounds, shillings, and pence, to the absence of which, more than to any other cause, I attribute the harmony between the mother-country and her self-governing dominions. It gives Ireland, so far as her internal affairs are concerned, full control over her destinies; and in so doing it creates that sense of responsibility which is at once the greatest boon and the supreme justification of national self-government.

I am far from under-rating the difficulties involved in such a proposal. But the nature of those difficulties should be clearly understood. They are not for the most part inherent in the system itself; they arise from the vague fears which any courageous policy—such as that which gave full autonomy to the Transvaal—invariably inspires. In this case, as in that, there is the fear of separation; but, as I have already shown, the material bonds between the two countries will form a powerful safeguard, even in the eyes of those to whom the moral effects of self-government, attested by our Imperial history, mean nothing. Beyond this, there is the fear of protective duties against British goods. But Ireland has always shown herself acutely conscious, almost to excess, of the fact that the British market is of greater importance to Ireland than the Irish market to Great Britain; and it should be remembered that Free Trade opinions have spread widely in Ireland since the fiscal controversy which began in 1903. The

risk, if risk there be, is outweighed by the advantages to be gained.

The most solid objection to the Colonial type of settlement is the inconvenience and loss involved, even without protective duties, in a cordon of custom-houses. That is the price we should have to pay for the manifold advantages of fiscal autonomy, both to Great Britain and to Ireland. Even that might be avoided by a customs agreement; such an agreement is in my opinion highly probable, though not until further readjustments of taxation have taken place in both countries, and each of them is able to bargain freely. But I do not rely for my argument on such a probability; even granting the price, it seems to me worth paying.

V.

The various proposals here made are no doubt open to criticism. There are difficulties in the way. But who is to blame for that? Not the Ministry of to-day, but Pitt and Castlereagh, and the statesmen of 1817 and 1853. You cannot confound the finances of two widely differing nations, and then expect an easy task when you come to unravel the tangles of a century. Any of the proposed policies would be beyond comparison better than the system, as confused as it is wasteful, and as unjust as it is confused, which the Union has produced. It does not lie in the mouth of those who are themselves defending that system to complain that our remedies are not simple and easy. What is it that Unionist critics want? In plain language, that Great Britain should take up the position of a debtor who, when asked to repay his debt, replies that he cannot do so because he has muddled his accounts. Against all attacks from such a quarter we may cite the sound maxim of our English law, that no man shall plead his own wrong in his own defence.

CHAPTER XII

A NOTE ON FISCAL AUTONOMY[1]

By Frank MacDermot

"One sure method of redressing the inequality which has been found to exist between Great Britain and Ireland, would be to put upon the Irish people the duty of levying their own taxes and providing for their own expenditure. . . . We appreciate to the fullest extent the labours of those statesmen who, at and since the Union, have laboured to remove all fiscal barriers between the two countries and to make taxation the same in both. But the circumstances of the two countries have diverged so widely since the Union as to lead to consequences which they did not foresee, and as to compel us, though with great reluctance, to admit that these objects may be too dearly purchased."—*Extract from the findings of Lord Farrer, Lord Welby, and Mr. Currie in the Childers Commission Report.*

THERE is considerable difficulty in persuading many Home Rulers that fiscal autonomy for Ireland is politically thinkable. Most people are inclined to believe that in this matter the coming Home Rule Bill will not even go so far as its predecessors. It is argued that the liabilities undertaken in respect of land purchase make it necessary for the Imperial Exchequer to protect itself, and that the apparent need for a British subsidy, temporary or permanent, open or disguised, to enable Ireland to pay her way, gives Great Britain a right to insist on retaining a large measure of financial control. But, apart from the rather questionable morality of enforcing the maxim "Beggars must not be choosers" when the beggar is of your own making, the inference that the imposition

[1] A portion of this chapter appears in the current number of the *Dublin Review*, and is published here with the permission of the Editor.

of Irish taxes should remain in British hands is surely fallacious. If it is desired, in the interests of the holders of Irish land stock, and of the Imperial Government by which that stock is guaranteed, to keep a hold on Irish revenue, this concerns not the *incidence* but the *collection* of the taxes by which that revenue is produced. Provided that you secure, by appointing an Imperial Receiver-General or otherwise, a prior lien on Irish revenue, you have taken your precautions. The power of fixing the taxes is, in fact, irrelevant. So, too, a right to interfere founded on liberality in pounds, shillings, and pence is surely, if it exists at all, a right to a say in the spending of the money contributed, not in the raising of the balance (and the giant's share) of her income which Ireland furnishes herself. It would not be a sensible proceeding to reward yourself for relieving indigence by compelling the object of your charity to continue a system of housekeeping to which that indigence is due.

Again, an idea prevails that the approach of Federation is a bar to the concession of large financial powers to Ireland. This idea is a very superficial one, because it ignores the fact that until she has received special treatment and had her case dealt with on its merits Ireland is in no state to become a healthy part of a federal organism. A federation into which she was fitted willy-nilly would be a house founded on sand. The pursuit of symmetry and uniformity by British statesmen oblivious of other considerations has long been her bane. Are the principles which form the logical basis of the Union to direct the framing of the Home Rule Bill?

Another factor in the situation is the proposal of an "interim adjustment." There was some excuse for such a plan in 1893, when the results of the Childers Commission were awaited, but on the present occasion all the data are available already. The interval would not be likely to throw fresh light on the merits of alternative settlements, any more than a diet of chalk

would qualify you to make a choice between different kinds of cheese. Perhaps at the bottom of this reluctance to grapple with the whole problem here and now is a desire to exclude from the coming Home Rule Bill anything calculated to make it unpopular. It is worth remembering that Bills do not always prosper when the minds of those framing them have been obsessed by electoral considerations. During the two years that will probably elapse between the introduction of the Home Rule Bill and its passage into law there should be time for its real, as distinguished from its superficial, faults and recommendations to reach the public mind.

It is also urged that Ulster's hostility to Home Rule would be mitigated by giving the Irish Parliament only very small powers of taxation. I do not myself believe that Ulster's hostility proceeds half as much from reason as from instinct, whatever Ulstermen may say when they are striving to justify their attitude on rational grounds. If, however, the fear of unjust taxation is what is troubling Ulster, it is difficult to see how it can be met except by refusing to give Ireland any powers of taxation at all, and no one advocates so limited a Home Rule as this. Even those who wish all existing taxation—direct and indirect—to be regulated from Westminster are in favour of allowing Ireland to raise additional direct taxes if she desires. Therefore the machinery of oppression will be set up in any case, and the members of the Irish Parliament will be able to impose vindictive taxes on Ulster—*if* they should happen to lose their minds. It is hardly worth while arguing with people who seriously anticipate such a contingency.

There seems to be no real reason, then, for receding from the Gladstonian position. I would suggest an advance beyond it.

It will be found that so long as Imperial control of indirect taxation is adhered to, there are extraordinary difficulties in the way of effecting a satisfac-

tory distribution of fiscal powers between the two countries which an examination of federal systems in Canada, Australia, the United States, and elsewhere does not enable us to overcome. In a normal federation the financial policy of the central Government is the resultant, so to speak, of the financial policies of the State Governments, not the policy of some dominant state to which the others are obliged to conform. In a normal federation, again, the money raised by the Federal Government is for the most part spent by the Federal Government, the money raised by the State Governments is spent by the State Governments. No Irish scheme could reproduce these important characteristics.

The worst feature of the system by which Irish revenue is raised at the present moment is the overwhelming preponderance of indirect taxation. Apart from general economic objections to it, it makes a Home Rule settlement particularly difficult. For, in the first place, it prevents Ireland from getting the control of more than 25 per cent. of her taxes if the fiscal solidarity of the United Kingdom is to be maintained. And, secondly, if she can be induced to accept so small a measure of control, it plunges her in a sea of troubles. Suppose (which God forbid!) she wished to increase her expenditure under Home Rule. She must obtain the wherewithal from those very taxes by which Irish Unionists are most affected. Suppose, as is much more likely, she desired to reduce her expenditure. Under Devolutionist systems she could not do so at all, but if she saved money on one object must simply transfer it to another. Each item of expenditure the Irish Government decided upon would be a matter, not as between the Government and the taxpayer but as between the interest benefited and some other interest deprived. The salutary vigilance of the man in the street with regard to public finances would be considerably relaxed in such circumstances as these, and a surplus would be apt to prove more of an embarrass-

ment than a blessing to Ministers, a bone of contention between scrambling applicants instead of a benefit to the nation as a whole. If Ireland had control of her direct taxation, as Mr. Gladstone proposed, she could indeed reduce her expenditure. But as the result of this retrenchment she could only cut down such taxes as estate duties and the income tax, and the poorer classes would continue to pay as much as ever for their tea and their sugar and their stout while the wealthier portion of the community was being relieved of its burdens. Moreover, it would scarcely be an incentive to economy that by reducing the taxes at her disposal she was gradually wiping out such paltry economic powers as she possessed.

Whatever arrangements have been found possible elsewhere, it appears highly doubtful if any apportionment of Irish taxes between the Imperial and the Irish Governments can be made which will not hamper and disorganise the financial policies of both countries and prevent harmonious relations between them.

Let us consider, then, what would come of throwing overboard the principle of keeping Irish customs and excise under Imperial management. These two forms of taxation are, of course, inseparable, in the sense that there are the same objections to giving Ireland control of one as to giving her control of both.

Some obvious consequences are as follows :—

1. There would be no need for Irish representation at Westminster—a very substantial recommendation both from the Irish and the British points of view. This would *not* impart a separatist colour to the Home Rule Bill. The entanglement of the Irish in British politics would be rather a danger than a support to the Imperial connection.

2. Ireland would have in theory the right to adopt Protection. There is not the least fear that, if she did so, it would take the form of taxes on British goods, because the British market is very much more important to Ireland than the Irish market to Great

Britain, and the recent development over here of the idea of Retaliation makes it impossible for an Irish Government to take any risk in the matter. But, to prevent an electioneering cry, there seems to be no reason why the imposition of protective taxes on British commodities should not be definitely excluded from the competence of the Irish Parliament, even if fiscal autonomy were granted. At the same time, it ought to be open to Ireland to *lower* her excise and customs duties, though this might involve a British duty on such Irish products imported into Great Britain as profited thereby. Moreover, she should have a free hand in dealing with imports from foreign countries, and, unless consulted as to the terms of British commercial treaties, ought, like the self-governing colonies, to be allowed the option of being excluded from their provisions. Ireland's foreign trade is becoming once more a substantial thing, and she should be given every opportunity to restore its ancient greatness.

3. The present haphazard methods of discriminating Irish revenue from British would be superseded. Ireland would live on her revenue, her whole revenue, and nothing but her revenue. Subject to such assistance from Great Britain as might be required until existing administrative extravagances can be swept away and until some restitution has been made in respect of past over-taxation, she would pay her expenses, her whole expenses, and nothing but her expenses, which, however, would naturally include a contribution to the cost of Imperial defence in proportion to her resources. So alone can the powers and the responsibilities of the Irish Parliament correspond. The power to spend, unbalanced by the responsibility for finding ways and means, is not a desirable possession for a nation. But if Irish revenue continues to be raised by British instead of Irish methods, I cannot see that Ireland is under any moral obligation to keep within her income or to refrain from the arts of a mendicant. Such demoralising devices as making Old Age Pensions or

National Insurance an Imperial instead of an Irish charge lie ready to hand.

4. Being an island, Ireland has already a customs cordon, but its activities would be considerably increased. This would mean some expense and, perhaps, for a time, a good deal of inconvenience to trade. Supposing Irish duties on sugar or tobacco to be reduced, there might be difficulty in dealing with jam or cigarettes imported from Ireland into Great Britain. But too much weight is often attached to such considerations. When not long ago Great Britain contemplated revolutionising her whole fiscal system she hardly gave a thought to the far greater administrative inconveniences involved by the change.

5. Ireland would escape the evils, actual and prospective, that flow from her entanglement in British finance. As long as her taxes are imposed by Great Britain she is forced to be extravagant. The money is raised and must be spent, and she has no say in determining its amount. At the same time, it is raised by methods that are often most inappropriate to her conditions and injurious to her prosperity. The "new finance" is an ever-present terror to her, and she awaits each Budget with justifiable dismay. A yet more unhappy fate is in store for her should "Tariff Reform" carry the day. The prospect of a British scientific tariff being framed on lines favourable to Ireland has been growing small by degrees and beautifully less. She has to consider the possibility of being thrown back into the situation from which she was rescued by Grattan and the Volunteers.

6. The chances of friction between the Irish and the Imperial Governments would be greatly diminished by the grant of fiscal autonomy. This was almost universally admitted in the discussions on the 1886 and 1893 Home Rule Bills. The character of Irish fiscal policy prior to the Union was eminently conciliatory. Though the liberties of Grattan's Parliament were vindicated under circumstances productive of great exaspera-

tion, and though Great Britain continued to impose prohibitive taxes on many Irish products, the Irish Ministry elected to incur a good deal of obloquy rather than pursue a policy of commercial hostility to the predominant partner. The conflicts which Pitt apprehended, and which his abortive Propositions of 1786 were designed to prevent, never arose. The testimony of the Viceroy, Westmorland (no friend to Irish self-government), is very remarkable: "Since the failure of the Propositions," he writes to Pitt in 1790, "no restraint or duty has been laid on British produce or manufactures to prejudice their sale in Ireland or to grasp any advantage to Irish goods. . . . In everything wherein this country could concur in strengthening and securing the navigation and commerce of the Empire, the Government has found the greatest facility. The utmost harmony subsists in the commerce of the two kingdoms." It is noteworthy that the two Irish Chancellors of the Exchequer responsible for this policy of good sense and goodwill were among the most strenuous opponents of the Union.

7. Ireland would thus, and thus alone, be adequately equipped for the task of economic development which will be for years to come the main business of her Parliament. By the absence of a scientific system of national finance the labours of her statesmen would be sterilised to an indefinite degree.

These are some of the considerations by which I personally have been driven to abandon the Gladstonian point of view. Only the barest outline of the case for fiscal autonomy has been possible in the space at my disposal, but the subject will well repay reflection. Try to realise that Irish grievances are largely economic, and that the unnecessary aggravation of those grievances by the withholding of fiscal liberty makes her at once a more expensive possession and a cooler friend. The fact should be firmly grasped that Home Rule does not mean a further raid on the British taxpayer. He will not be asked to contribute more

to the cost of Irish government than he is doing already. The difference is that he will have the reasonable hope of being in time relieved of a burden which, as things stand, can only tend to increase. The wider the powers of the Irish Parliament, the more likely is that hope to be fulfilled. He has nothing to gain by binding Ireland either to his rate of expenditure or to his system of taxation.

CHAPTER XIII

A NOTE ON A FEDERAL SYSTEM OF FINANCE

By R. C. Phillimore

The Act of Union did not amalgamate Irish and English government, but transferred the responsibility for Irish Government from Dublin to Westminster. The object of Home Rulers is to retransfer the responsibility for the management of Irish affairs from Great Britain to Ireland, and, just as under Union there has been no one continuous logical system of common government, so under Home Rule there may be no one self-evident division between the functions of the Irish and the Imperial Parliaments.

Certain matters such as Defence are clearly never of merely local importance; other matters such as agriculture, housing conditions, and the like are necessarily more or less local. Between these is a mass of subjects such as customs and excise, post-office and labour legislation which can equally well be regarded as appertaining to the central or to the local Government.

Where the component parts of an empire are, as in Germany, separated by no great physical obstacles or long distances, it is usual to regard the matters just enumerated as the business of the Imperial Government. Where, as in the case of the British Empire, the Dominions are separated from the Mother Country and from each other both by physical barriers and great distances a common system of customs can only arise

by an artificial arrangement ; a common post-office is unthinkable, and common labour legislation, though perhaps desirable, is unlikely, as the power of labour in the various portions of the Empire is notoriously unequal.

In this respect Ireland stands in a middle position between a State of the German Empire and a British Dominion. Separated by the sea, it is nevertheless economically in close contact with Great Britain, because there is practically no direct trade between Ireland and foreign countries, and because Great Britain is by far the largest consumer of Irish goods. It is therefore a debatable question whether or not the so-called Colonial Home Rule is the correct type for Ireland.

Free Traders, at any rate, must regard any customs barrier as an evil, and particularly so where two countries are as economically intimate as are Ireland and Great Britain. A great deal of Irish trade is now direct from producer to consumer. This would cease if a customs barrier were erected. For customs imply a class of merchants responsible for the non-entry without payment of dutiable goods ; otherwise each case of Irish eggs, each box of Irish butter must be examined before it can enter Great Britain, and each shipload of Scotch or English coal before it can be discharged in Ireland. This cannot but result in a great increase of cost and consequent diminution in the trade between the two countries.

Ireland now justly complains that the food and drink consumed by her poorest population has to bear the heaviest burden of taxation, and that the proportion of her indirect to direct taxation is as 75 is to 25. If, as is commonly supposed, Home Rule will cost at any rate not more than the present government, it is clear that the proportion of the revenue contributed by indirect taxation can only be lowered by lowering the total taxes on articles subject to such taxation. But unless these taxes are simultaneously reduced in Great Britain, it is obvious that Great Britain must set up

a customs barrier against the importation from Ireland of goods taxed at a lower rate. Once such a customs barrier is established all the evils enumerated above follow, together with the possibility that statesmen in Great Britain may decide to tax other Irish goods imported into Great Britain.

But the burden of indirect taxation, which now falls so heavily upon the Irish consumer, also injures, though in a less degree, the consumer of tea, sugar, and tobacco in Great Britain. Free Traders, therefore, look upon all such duties as evils, and only tolerate them as a temporary means of raising revenue, until such time as the country shows itself willing entirely to adopt a better system.

Mr. Basil Williams has pointed out in another chapter that the retention of Irish Members in the Imperial Parliament is bound up with the question of the control of the customs, and it may be that the easiest way of altering the oppressive incidence of indirect taxation in Ireland will be found to be in votes on Imperial finance of the so retained Irish Members.

It is of less importance which Government controls the post-office, except so far as it is the channel for the administration of old age pensions. According as we consider these as a part of poor relief which has hitherto been regarded as local, or as a part of labour legislation which it is generally admitted should as far as possible be uniform in neighbouring countries, shall we feel disposed to regard old age pensions as a matter of Irish or of Imperial administration.

On the one hand it will be urged that the provision of old age pensions is just one of those responsibilities that a self-respecting Ireland should undertake for herherself, rather than obtain as a favour from the Imperial Exchequer. On the other hand it may be argued that the obligation of the State to provide these pensions is independent of the place of residence of the pensioner and a recognition of the fact that under present industrial conditions the labourer is inadequately paid during

his working life ; further that, if so, to the many Irishmen who, when they are young, leave their own country for a longer or shorter time in search of work which they obtain in Great Britain or elsewhere and return permanently only when they are past their prime, pensions are quite as much an Imperial as an Irish obligation.

The arguments for Imperial control of general labour legislation are strong. In the first place the future cost of such legislation is quite incalculable, and might well be more than a comparatively poor country could afford. In the second place it is universally admitted by economists that it is important that the State should do nothing to diminish the mobility of labour. But special local labour laws quickly have this effect, as witness the regulations of the mediæval towns, and recently the attempt of St. Gall in Switzerland to provide local unemployment insurance. In the third place the non-provision by a neighbouring country of labour restrictions which appear to increase the cost of production is always used as an argument by manufacturers against further progress on such lines.

Speaking a common language and being accustomed to English conditions, an Irish labourer who received fewer benefits or less protection from his Government than the corresponding labourer in Great Britain would hinder the legislative progress of the latter far more than would his German or French co-tradesman. Moreover it would be very difficult to arrange unemployment or sick benefits so as to be fair to the Irish labourer temporarily working in Great Britain.

For these various reasons it appears to me that while there is no logical objection to granting to Ireland complete financial independence, and many arguments for so doing, yet that the balance of practical convenience to both countries, and especially to Ireland, lies in the retention by the Imperial Parliament of the control of the customs, and of the administration and financing of that new department of government

which provides for the citizen not as a resident but as a worker.

Moreover if Ireland is not given complete financial independence, the argument that the Irish Government will not pay its way loses all force.

In the present welter of conflicting figures, on the uncertainty caused by the non-collection of the income tax in 1908-9, and the unreliability of the Treasury estimate of "true revenue" from customs and excise, it is difficult to arrive at a correct estimate of Ireland's present financial position. But it would appear that charging to Ireland the deficit on operations of the post-office in Ireland, the cost of collection of her taxes, the whole of her old age pensions and of the cost of the police, and estimating the "true revenue" at the Treasury figure, there is at the moment a small financial deficit, without allowing anything for the Imperial contribution.

But if customs are retained by the Imperial Government, Ireland can fairly claim to be credited with the receipts "as collected," and not merely with a hypothetical "true revenue" the accuracy of which there is no means of verifying. So, too, as regards old age pensions and labour insurance she could at any rate insist that not the whole burden of the Imperial obligations to her population should be thrust upon her.

But as against all this it may be argued that the difficulties of anything short of complete fiscal independence under Home Rule are too great, because it is impossible now to find a scheme which will not get out of date and become unfair to one of the countries concerned, probably to Ireland, in the course of a few years.

The Devolutionist type of financial settlement is peculiarly open to this objection. The giving to Ireland of a contract sum with which to run the whole of her government is *a priori* unscientific, for either there will be each year an embarrassing surplus or a con-

tinually growing deficit. The former would mean waste, the latter would lead to bankruptcy.

The Gladstonian type of financial settlement is free from this objection, but on the other hand for the Imperial Parliament to depend only upon indirect taxation is thoroughly bad, for it makes it impossible to reduce indirect taxation without reducing Imperial expenditure. For Ireland, suffering from the heavy burden of indirect taxation, and having a comparatively small share in Imperial policy, this would be peculiarly unfortunate.

A more elastic system than either of these is required, and I believe can be obtained by reserving both direct and indirect taxation, as now levied, for the Imperial Government in exchange for a sum (greater or less according to the financial obligations for old age pensions, &c., retained or not retained by the Imperial Exchequer), and at the same time giving powers to the Irish Government of concurrent direct taxation, similar to those enjoyed by the towns in Germany, and also power to give drawbacks to retailers on taxed goods certified to have been consumed in Ireland.

A *sine qua non*, of course, of any scheme of incomplete financial independence is the retention of the Irish Members in the Imperial Parliament to take their share in determining what Imperial taxation should be imposed.

CHAPTER XIV

THE EXCLUSION OR RETENTION OF IRISH MEMBERS IN THE IMPERIAL PARLIAMENT

By Basil Williams

I believe the Home Rule Bills of 1886 and 1893 failed because Great Britain was not yet ripe for Home Rule, and that even a scheme proposed by the archangel Gabriel, as Lord Rosebery would say, would have failed equally on both occasions. But if one were to pick out any single question which provoked the most acute criticism in the debates on both Bills, and for which even Mr. Gladstone discovered no adequate and logical solution, it was that which forms the subject of this paper. The difficulty about the Irish Members in or out of Parliament would, it is true, not have proved insurmountable had there been an overwhelming determination to secure Home Rule, but, as it was, it proved the best and most obvious peg on which to hang damaging criticism. So satisfactory was it to the Opposition from this point of view that Mr. Balfour was able to say with some plausibility, "Those questions [of representation] are not capable of solution, and the very fact that they are incapable of solution affords, in our opinion, a conclusive argument against the whole scheme of which one or other of the plans in question must form a part."

The majority of the electors in Great Britain appear now to have come to the conviction that a generous measure of Home Rule is a just demand that should be granted, and are more disposed to echo Campbell-

Bannerman's inquiry in 1886 whether anything could be more deplorable, "reaching almost to the dimensions of a public calamity, than a failure to give legislative effect to the principle of Home Rule, simply because we cannot in some way or other arrange this question of Irish representation." Still the minority against the demand for Home Rule is keen and well organised, and will be eager as ever to fasten on all the anomalies and difficulties which must attend any conceivable answer to this question. We must, therefore, be prepared with a well-considered plan.

Our best help in solving this question will be found by glancing backward at the various schemes proposed in connection with the 1886 and 1893 Bills, and at the nature of the objections they were met with. One advantage of such a retrospect is that it will take us over every conceivable method of meeting the difficulty. These schemes were :—

I. Total exclusion of Irish Members.

II. Inclusion of Irish Members, in reduced numbers, for all purposes.

III. Inclusion of Irish Members, in their full numbers, for certain specified purposes—the "In and Out" clause.

IV. Inclusion of Irish Members, in their full numbers, for all purposes—the *Omnes Omnia* clause.

All these methods were in turn proposed by Mr. Gladstone.

I. *Total Exclusion of Irish Members.*

Gladstone's first idea of Home Rule in 1886 was, according to Mr. Chamberlain, to give Ireland complete autonomy for Irish affairs, including the control of the customs and excise, and to exclude the Irish Members from Parliament. On introducing the Bill, however, he proposed to retain the customs and excise under the Imperial Parliament while still excluding from it Irish representatives. This anomaly was at once fastened upon by the Opposition. Mr. Chamberlain, who was

a sort of Home Ruler at that time, declared such a proposal to be degrading to Ireland, since it infringed the traditional safeguard of British liberty, "no taxation without representation." However, this was not Mr. Chamberlain's main reason against the exclusion of Irish Members, which he stated to be the "key to the whole situation." He required their presence in the House of Commons as a sign of their continued interest in Imperial affairs and also as a means of securing control over the Irish Parliament. Several Liberals also expressed fears that the absence of the Irish Members was a sign of, and even a means of obtaining, complete separation. In his Second Reading speech Gladstone made another step forward to calm the apprehension felt as to separation and taxation without representation. He suggested that Irish Members might appear at Westminster upon an address of the Irish Parliament to discuss Imperial affairs and modifications of the tariff, or alternatively that such questions should be referred to a joint commission of the two Parliaments. Here we see the thin edge of the "In and Out" clause. But Mr. Chamberlain was as dissatisfied as before. He declared that Parliament must not be a "periodic and spasmodic body" or a fluctuating body with a large section of its Members imperfectly informed on the subjects they are called upon to decide, but that there must be a full, complete, and continuous representation "in this House" of the Irish Members. The only people who expressed even qualified approval of exclusion were Parnell, Mr. Justin McCarthy, Mr. Redmond, and that sound old Liberal, Mr. Whitbread, on the ground that Ireland would at first have so much to do, setting her own house in order, that she would not be able to spare men for Westminster. But all four, and notably Mr. Redmond, looked forward to a time when Irishmen would claim to take their share in Imperial affairs either in the British or a Federal Parliament. Few English Home Rulers appear to have shared John Bright's opinion that

"the only pleasant spot in the 1886 Home Rule Bill was the clause excluding Irish Members." The Bill was doomed to failure anyhow, but no single clause so hastened its end as this one. Gladstone himself very soon gave up the point, and a year later declared that Great Britain must have the determining voice in the question.

II. *Inclusion of Irish Members, in Reduced Numbers, for all Purposes.*

At one time Gladstone appears to have contemplated this method. In November, 1888, he had an interview at Hawarden with Parnell, to whom he declared himself then in favour of the retention of Irish Members for all purposes, but "in order to conciliate English public opinion it would be necessary to reduce the Irish representation from 103 to 32." It is unfortunate that this stage of Gladstone's progress was so shortlived; had it been otherwise he might have saved himself many difficulties in 1893.

II. *Inclusion of Irish Members, in their Full Numbers, for Certain Specified Purposes.*

The Home Rule Bill of 1893, as introduced, contained in clause 9 the famous "In and Out" proviso. The Irish Members were to be reduced from 103 to 80, the proper number then due to Ireland on a population basis, and were to be allowed to vote on all Irish and Imperial subjects discussed at Westminster, but not on matters solely affecting Great Britain. The Irish representative peers were to sit in the House of Lords for the same purposes. It was also expressly stipulated that in case of doubt a vote of the British House of Commons (or Lords as the case might be) should absolutely determine what was a British and what an Imperial or Irish question.[1]

[1] The complicated nature of the provisions necessary for this "In and Out" arrangement may be judged from the terms of the Bill. Irish Members might *not* vote—

1. On any solely British measure; though if an amendment were

In his speech Gladstone, with characteristic zest, expounded the various objections to each possible scheme, including the one he was himself proposing, for dealing with the Irish Members. During the prolonged debates on the clause it found but one wholehearted friend in that crabbed humorist, Dr. Wallace. Even Campbell-Bannerman could suggest no other solution for its inevitable difficulties than the blessed phrase *Solvitur ambulando*. These difficulties were as well put by Gladstone in 1886 as by anybody.

1. That the House of Commons is not merely legislative, but also controls the executive, and that it passed the wit of man to separate those functions in practice; and yet the Irish Members might impair the executive efficiency of British Ministries by voting against their Imperial measures.

2. That anything derogatory from the absolute equality of all Members of Parliament would be a serious loss to the authority of the House of Commons.

The Opposition made merry in debate about the Irish Members "popping in and out" of the House; and the more serious difficulty involved in having two majorities was not lost sight of. It was especially unfortunate that in 1893 the Government actually had a majority with the Irish but not without them; thus there was a special sting in Mr. Chamberlain's prophecy that "You would have Irish Members who were able under the Constitution to keep a British Ministry in office and then were unable to support a single one of the measures on which the British Ministry had set its heart." Gloomy forebodings were expressed as to the probability that the Irish would only vote in order to gain some Irish concession, and

proposed extending it to Ireland they might vote. (This would seem to have made it possible for the Irish to take part in any such discussion if they chose to have an Irish amendment moved.)

2. On a tax not levied in Ireland.

3. On a vote of money otherwise than for specified Imperial services.

4. On a motion exclusively affecting Great Britain.

that they would be just as powerful in the House as before.

IV. *Inclusion of Irish Members, in their Full Numbers, for All Purposes.*

After the Bill had been five months before the country, and clause 9 seven days in Committee, Gladstone suddenly declared that in view of all the difficulties and objections to the "In and Out" clause he would adopt the *Omnes Omnia* solution. In announcing his conversion to this last possible method, he stated that it was in deference to the general wish of Members on his side. It must be confessed, however, that in the debate little was heard to confirm this view; on the contrary, powerful opponents like Messrs. Rathbone, Wallace, Labouchere and others expressed a strong aversion to the latest device. Unionists were not slow in dwelling on the gross unfairness to Great Britain involved in Ireland having control in her own Parliament over Irish affairs as well as at Westminster over British affairs, while Great Britain would have little control over Ireland and be hampered in managing her own business by the Irish; and Mr. Balfour quoted Mr. John Morley's words in 1886: "If you keep the Irish in, they will be what they have ever been in the past—the arbitrators and masters of English policy, of English legislative business, and of the rise and fall of British administrations."[1]

This closes the confused and confusing catalogue of past efforts to solve this difficulty of Irish representation. I take it that the most valuable hint we can

[1] In the course of the debates of 1886 and 1893 the following speeches might be noted as specially useful on this question:—
W. E. Gladstone (8/4/86), J. Chamberlain (9/4/86), H. S. Whitbread (12/4/86), W. E. Gladstone (10/5/86), J. Redmond (13/5/86), J. McCarthy (21/5/86), J. Chamberlain (1/6/86), C. S. Parnell (7/6/86), W. E. Gladstone (13/2/93), J. Redmond (14/2/93), J. Chamberlain (17/2/93), J. Stansfeld (6/4/93), R. Wallace (13/4/93), H. H. Asquith (14/4/93), H. Hobhouse (10/7/93), G. Wyndham (10/7/93), A. J. Balfour (10/7/93), W. E. Gladstone (12/7/93), A. J. Balfour (12/7/93), J. Redmond (12/7/93), R. J. Reid (8/9/93), R. Wallace (1/10/93).

draw therefrom for the future is that the framers of our next Home Rule Bill should weigh carefully all the objections and arguments beforehand, make up their minds definitely which scheme would obtain most support and be least objectionable, put forward that scheme, and then stick to it through thick and thin. One of the chief weaknesses of Gladstone's method was that the Opposition felt they could force him at any moment to change his ground on this important matter, and thus render the whole business of Home Rule ridiculous. There are objections to every solution, but experience has taught us what they are. The statesman's flash of sympathetic insight is now needed to fix on the right decision at the outset ; nothing else will so ease the passage of the Bill. If by vacillation the Government give opportunity for all the confusion of counsel which characterised the 1886 and 1893 debates, they will again expose themselves with some justice to Mr. Balfour's taunt that the question is insoluble and Home Rule therefore impracticable.

It is hardly surprising that this should be a difficult question, since the answer to it must depend almost entirely on the form of Home Rule you are prepared to give Ireland. Mr. Gladstone, making one of those subtle distinctions so dear to him, happily said that the representation at Westminster was not a vital principle of Home Rule, but an organic detail. In other words, if you give self-government on the generous scale that Australia and Canada enjoy it, there will be little need for Irish representation at Westminster. If, on the other hand, you withhold from Ireland considerable rights of taxation and retain a supervising authority implying frequent interference, you must obviously keep a large Irish representation at Westminster to ensure that Home Rule does not become an even more tyrannical British rule than before.

In one important respect the conditions governing the solution of the problem have changed during the last eighteen years. Then, in considering Home Rule,

few people looked beyond Ireland ; now not only has Home Rule All Round to be taken into account, but the even wider idea of a Federal Parliament for the Empire has to be thought of by Home Rulers. It will be remembered that even before 1893 Rhodes urged Parnell not to forget Imperial federation, and demanded the retention of the Irish Members as the price of his adherence to Home Rule ; but few others were then so far-sighted. To-day nobody will forget that problem. Still, I think that need not vitally affect our decision on this matter of representation, since we of the United Kingdom must first work out our own salvation. The question of Home Rule for Scotland is of more immediate interest. In 1893 a few Scottish Radicals, recently described by one of their number as "a collection of fools and faddists," used to pass resolutions in favour of Scottish Home Rule, but nobody marked them or their advocates, such as Drs. Clark and Macgregor in the House of Commons. But to-day the Home Rule feeling in Scotland has to be reckoned with. Scottish Liberals, while fully recognising that Ireland has the first claim, will not regard any Irish Home Rule Bill with favour that is not framed with a view to a possible extension to Scotland. And it is obvious that this question of representation at Westminster will be particularly scrutinised from this point of view.

In pitching upon the best scheme, whether for inclusion or exclusion, I should be inclined for every reason to rule out Gladstone's last two proposals. The only justification for the *Omnes Omnia* clause he finally adopted would be so to restrict a form of Home Rule that it would not be worth accepting by Ireland. If Ireland were granted any reasonable measure of autonomy, it would be intolerable that Irish electors should have as much voice as ever in British affairs, in which they have no interest, and yet be uncontrolled in the management of their own. As Dr. Wallace said, you might just as well build and furnish a house

for a friend and, after presenting it to him, allow him to wander all over your own and meddle in all your most intimate arrangements.

The "In and Out" clause, Gladstone's penultimate suggestion, seems at first blush more reasonable, both from the Imperial federation point of view, and also supposing the Imperial Parliament retained control over any branch of Irish administration or taxation, such as land and customs, or the Irish paid any tribute to the Imperial funds. Logically the case for this scheme is difficult to answer. The Irish would not be interfered with in their own domestic affairs or interfere with ours, yet in decisions affecting Ireland they would have all the say to which they are entitled. This logical completeness undoubtedly appeals to men whose views are entitled to respect. The Lord Chancellor, for example, was in favour of it in 1892, and is evidently still of the same mind, since he has recently reprinted his article of that year advocating it.[1]

But granting for a moment that our next Home Rule Bill is to take the limited form which such a proviso would seem to imply, the objections to an "In and Out" clause still, I venture to think, appear insuperable.

1. In the first place it is doubtful if Ireland, with her population of under five millions, could find enough men with the leisure and inclination to provide two sets of representatives, for Dublin and Westminster. The same men could not serve in both Parliaments, and of the two our House of Commons would be the worst served.

2. Secondly, such a scheme would never appeal to the British electorate. We dislike ingenious and complicated devices in our political arrangements, however much they may appeal to the constitutional lawyer; and clause 9 of the 1893 Bill shows how complicated such a scheme would be with all the necessary rules and regulations for determining when the Irish Members might be admitted, when excluded.

[1] In the *Contemporary Review* for March, 1911.

3. But those are minor objections. The third is more serious. Such a scheme could hardly avoid weakening the efficiency of Parliament and impairing the responsibility of the Cabinet. Mr. Redmond, in 1893, declared against what he called "an indefensible, grotesque, and absurd system" which would make it impossible to distinguish between Imperial and local affairs; since the existence of the Government, though an Imperial matter, might depend on a decision in some local matter. In fact, he objected, as he said, to cumber Home Rule by the disorganisation of the Imperial Parliament.

The Lord Chancellor, indeed, meets this objection by suggesting that it would be quite possible to dissociate the Ministers responsible for Imperial affairs from those responsible for purely British affairs. He seems even to view with equanimity a Conservative majority, say, with a Conservative Ministry for Great Britain and a Liberal majority with a Liberal Ministry for Imperial concerns. Now such a state of affairs might well be conceived if there were separate assemblies for Imperial and British purposes—a Liberal County Council with a Conservative House of Commons is a case in point which has occurred—but as long as the British Parliament remains also the Imperial Parliament the resulting friction and confusion would be intolerable. It would be a constant struggle between Conservatives, anxious to reduce every question to local proportions, and Liberals, whose interest it would naturally be to extend its scope sufficiently to admit their Irish allies to the discussion.

The plan I should advocate is to give the widest possible form of Home Rule, including full control over the customs. As a consequence the Irish Members would be entirely excluded from Westminster.

My reason for advocating this wide form of Home Rule is that it seems to me the only form which will fully satisfy the Irish people, and the only form likely to bind them closely to Great Britain. I know it may

be objected that Mr. Redmond and other Irish Members say they do not ask for so much and would be satisfied with less. Without questioning for a moment the Irish Members' conviction that they can dispense with control over the customs, for example, I cannot help asking myself what the Irish people themselves will feel when they have a Parliament of their own. One of the present grievances of Ireland, and not the least, is the feeling that the system of taxation which suits Great Britain does not suit Ireland.

Possibly, the Irish, with perfect freedom of choice, might not seriously modify the present system. Nevertheless, without that freedom, the mere feeling of restriction and the absence of full fiscal responsibility might well leave that soreness which it is the object of Home Rule to remove, and diminish that sense of responsibility which it should be its aim to implant.

If Ireland were granted such a form of Home Rule, similar to that of the Dominions, there would obviously be no need or justification for the presence of Irish Members in a purely British Parliament. Moreover, Ireland would have enough to do for some years in settling her own affairs without troubling herself about Imperial politics, though her time for that might come later.

But though this is obviously the simplest and most complete form of Home Rule, very strong popular prejudices against it must be faced.

1. There is the fear that with the removal of the Irish Members one of the great safeguards against separation will also be removed, and the belief that the presence of Irish Members will secure some measure of control over the Irish Government. My answer is that I do not believe their presence is in any sense a safeguard. The presence of Irish Members in a real Imperial Parliament in which each representative had an equal voice and equal responsibilities would indeed be some guarantee of a common interest, but their retention in a British

Parliament would merely be a useless anomaly. You do not guard against separation by the presence of Members not fully interested in your measures—that can only be secured by creating so strong a sense of gratitude and admiration for generous conciliation that separation becomes inconceivable. As to the control over the Irish Government, the Irish Members at Westminster will be much more likely to control the British Parliament than vice versa.

2. A second argument against complete control and the consequent exclusion of the Irish Members is that of the Free Traders. Their strongly felt objection to giving the Irish their customs is that Ireland might immediately set up a Protective system, which would be of the worst possible example to England. But surely this is a danger that might be risked. To begin with, it is by no means certain that the Irish would indulge in Protection. The inclination of some of their public men in that direction has been sensibly diverted within the last eight years by the loyal co-operation of the Irish Nationalists with the Free Traders. They have had perforce to examine the question and have been influenced by the arguments of their allies. But even if so tempted, they might well hesitate before the consideration that Irish protection might prove an incentive to English retaliation, and that if it came to a war of tariffs with England, Ireland would stand to lose heavily. Further, it has to be remembered that even during the protective age of Grattan's Parliament no serious attempt was made to injure British manufactures by Irish tariffs. Above all, even granting the possibility of such protective tariffs being imposed, the advantage to England as well as to Ireland in removing all opportunity for friction by giving complete responsibility far outweighs any possible danger from such a risk.

3. Another financial argument has considerable weight with some people not only as against the exclusion of the Irish Members but even against the

practicability of Home Rule itself. So serious, it is asserted, have been the commitments of the Treasury to Ireland for the purposes of Mr. Wyndham's Land Act of 1903, and more recently for Old Age Pensions, that it will be impossible to create a separate financial system for Ireland or consequently to exclude the Irish Members. Without travelling now into the region of finance, which, however, must never be lost sight of in these discussions, it cannot be denied that Ireland will ask, and ask justly, for some financial assistance in establishing her own system, and that on the other hand she will be responsible for the payment of obligations under the various Land Acts. But even such matters could, I believe, be better adjusted by negotiations between the English and Irish Treasuries, as was the case in adjusting South African finance, or by some form of joint commission from the two Parliaments than by a settlement dictated by England to a subordinate Ireland. It must be remembered that the Transvaal also was granted a guaranteed loan for which the ultimate liability of the British taxpayer is no less than for the Irish Land Stock. And even if customs were retained as a joint concern it might still be found more advisable to have their amount and nature settled by joint delegation from the Parliaments than by the anomalous intrusion of Irish Members at Westminster for that purpose.

4. A fourth objection, of which more will be heard next year than was the case in 1893, is that by excluding the Irish Members you make Home Rule All Round with a federal Parliament more difficult of attainment. If this were so, it would be a serious objection. But is it? The argument seems to show a misconception of the stages by which a strong federal system is attained. States or colonies must be independent or semi-independent before they can federate. As Justin McCarthy said a quarter of a century ago, "If you want federation and Irish M.P.s in the Imperial Parliament you must first set up an Irish Parliament

to federate with. Then you can get federation in a natural way. If you have an Irish Parliament you have at least that one step towards an Imperial federation." Moreover, however independent you make your Irish Parliament at the outset, questions are soon bound to come up on which the Irish and British will wish to act in common. It will never, for example, be fully realised how unmanageable customs are except as a United Kingdom concern, until you allow the Irish to try for themselves; and the realisation of this will be the strongest inducement to close federalism, as it has been in the case of the United States, Germany, and South Africa. But if you reverse the process and attempt to start federation from the centre, following Lord Carnarvon's example in South Africa, there is great danger that each separate unit of the federation may feel for all time that had it been a free agent, it would have stood out for different conditions of entry into the association.

I am very conscious that a weight of prejudice will have to be removed in England and Scotland before it can be possible to exclude the Irish Members; but I believe that the many who agree that this would be the best method might succeed in removing that prejudice in time. If, however, that is impossible, I would suggest the following alternative plan as the second best.

We have rejected the "In and Out" and *Omnes Omnia* schemes as equally intolerable; there remains the plan of admitting the Irish Members in reduced numbers to the British Parliament. Several methods of calculating the proportions might be suggested. Here is a simple one. The present representation of Ireland, 103, is of no use as a basis since it is admittedly excessive. The basis that might be taken is the representation to which Ireland, roughly, is entitled by her population according to the 1911 census—70 Members.[1]

[1] By the 1911 census England and Wales, with a population of 36,075,269, had 495 M.P.s, or 1 M.P. to 72,879 inhabitants; Scotland, with a population of 4,759,445, had 72 M.P.s, or 1 M.P. to 66,103

This number I should halve and give Ireland thirty-five Members, with full voting powers in the British Parliament.

The only injustice under this scheme, assuming that you retain the customs, is that Ireland would not have her fair share of voting power on that important financial branch. Against this might be set the power still left to Irish M.P.s to vote on purely English and Scottish affairs and the probability that the Irish would not feel it a serious grievance to be under-represented on the customs, if they had in other respects a generous measure of Home Rule.

The merits of the scheme are :—

1. You would remove the fears of those who believe that in the absence of the Irish members separation would come.

2. You would also minimise the danger of English, Scottish, or Welsh measures being determined by the Irish vote, since it would be small in amount and would certainly not be all cast on one side.

3. But its chief merit is that it would satisfy the aspirations of Scottish Home Rulers. It has been suggested that an easy way of preparing the ground for Home Rule All Round by the Irish Home Rule Bill is to adopt this provision of halving the Irish representation in the Imperial Parliament. Thereafter as each other part of the United Kingdom receives Home Rule it should also leave at Westminster half the Members to which it is at present entitled. Then, by a process of exhaustion, when Home Rule All Round has been consummated, the Imperial Parliament would automatically have been formed with half its present numbers and have become a workable legislative and deliberate assembly for these islands.

There is much to be said for this ingenious scheme, especially if it will really remove opposition. But it does not seem to be the best scheme either for Great

inhabitants; while Ireland, with a population of 4,381,951, had 103 M.P.s, or 1 M.P. to 42,543 inhabitants. If Ireland had 70 Members she would have one M.P. to 62,599 inhabitants.

Britain or for Ireland, which will each be left with grievances as to representation, at any rate until a complete federal system has been attained. There is, besides, a danger that the desire to obtain in the first instance a solution logically applicable to Scottish, Welsh, and English Home Rule may lead us to forget that the question of Irish Home Rule stands on an altogether different plane. Whatever inclination there may be for Home Rule in Scotland, in the first place it evokes none of that passionate feeling which Irish Nationalists have, and also is much more a question of rapidity in legislative procedure than of any deep-seated national grievances. The Irish above all things demand the power of settling their own affairs in their own way with as little restriction as possible; they are at present not deeply interested in Imperial affairs, as they have too much to think about for Ireland. When they have attained their own development they will probably be as determined to have their way in larger matters as the Scotch have been for the last century, and as some of the Dominions have been beginning to claim within the last few years. To start Irish Home Rule by too close a federal system is too much like putting the cart before the horse, and any attempt to model Irish Home Rule on what may subsequently be acceptable to Scotland may lead to a fiasco in both instances. The most likely means not only of satisfying Ireland but also of paving the way to the most stable form of federalism, is to allow Ireland, as a preliminary step, to feel her legs by a system of Home Rule as complete as we have given to the Dominions. In South Africa we have a notable example of the ready response given to ungrudging confidence hampered by no timorous shackles.

CHAPTER XV

THE ULSTER UNIONISTS' OBJECTIONS TO HOME RULE

By J. C. Arnold

In writing this Paper I wish to put in as strong a light as possible the objections to Home Rule which one commonly hears from the Ulster Unionists. Some of these may appear absurd, some savour of selfishness, and show the spirit of the man who sees himself torn down from a position of unfair advantage. Others are based on the most conscientious feelings, which, however misguided, demand respect. But each of them is worthy of consideration in order that where the objections are pure and disinterested they may be answered, and where they are tainted and biassed they may be condemned and exposed.

For the purposes of this consideration we may leave out of review the fact that almost half of Ulster, judged by the parliamentary returns, is Home Rule and Nationalist. That was as much the condition of affairs in 1886 and 1892 as it is to-day, and yet by noise and bluster the Unionist half succeeded in arousing an agitation that has left a fertile memory behind it. We may also leave out entirely the remotest suggestion of anything equivalent to an armed rising against Home Rule in Ulster. That seems to me the most utter moonshine, and the same term applies to any threat that the Ulsterman will assume the shirt of the passive resister and refuse payment of taxes imposed by an Irish Parliament. Threats of this kind, made before

the merest suggestion of any unfair taxation has been mooted by the Nationalist majority, bear on the face of them the label of the political scarecrow, and I am glad to say they have not been endorsed by any Unionist politician whose utterances carry a scintilla of respect.

On the other hand, it must not be assumed that Ulster, by which I mean the Unionist counties, has weakened in its Unionism. I myself believe that here and there the water is beginning to trickle through the dykes, and among the rising generation there is not quite the same fanatic zeal for Unionism as formerly. But in the present fight over Home Rule whatever weakening there is will be unappreciable. I know from unimpeachable evidence that the screw of the Orange Lodge and the Unionist Club is being tightened up very severely for the contest, and one may expect to see, in outward appearance at least, the same united front that in 1886 and 1892 undoubtedly proved a most valuable asset to Lord Salisbury and the Unionist Party in England.

Let us try for a moment to get at the bottom of this very real objection to Home Rule on the part of the Protestant counties of Ulster, and in doing so we will have to consider the arguments put forward from all quarters, and hear what is whispered in the Orange Lodges in the county, as well as what is spoken by the hard-headed and strongly self-opinionated linen merchant in the streets of Belfast.

With the view of obtaining as clear an idea as possible of the Ulster objections to Home Rule which I am trying to meet in this Paper, I consulted on the subject an Ulsterman prominently identified with the linen and other industries, who may, I think, be taken as a representative specimen of the Belfast business-man. He is a strong Unionist, and one regarding whose disinterestedness and honesty of opinion there can be no possible doubt. In stating the objections I am largely guided by his views.

I. *The Religious Objection.*

Ever since the days when O'Connell invaded Ulster and had to fly with post-horses from Belfast, it has been the common catch phrase in that city that Home Rule would mean the ruin of Ulster. Ask the average man to explain how this would come about, and it is a hundred chances to one that the answer will come out pat, "It would put too much power in the hands of the Roman Catholics." All the poverty that undoubtedly exists in the south and west of Ireland, all the lethargy and lack of industrial initiative which Sir Horace Plunkett confesses he has found there, all the religious establishments of monasteries and nunneries which are planted in the Roman Catholic districts, and all the large sums of money which are admittedly contributed by the comparatively poor to build churches and support priests loom before the imagination of the ordinary Protestant in the north as something infinitely more terrible than the Yellow Peril of the East or the insidious ravages of tuberculosis. I do not think I am describing unfairly the state of the Ulsterman's mind when I paint it in these colours, and one must remember, by way of excuse, that the Unionist Party in England has lent the weight of its great support to exaggerating every feature that I have pointed out and professing an equally strong credence in all the fears that have been conjured up.

Now, as Mr. Hannay points out in his Paper, it is not difficult to allay all these religious fears from the point of view of clear reason, and I do not propose to recapitulate all his arguments. The most ardent Protestant cannot seriously maintain that if Roman Catholics are to be made lazier and poorer under Home Rule, Protestants must necessarily be infected by the same virus; or that if monks and nuns are to multiply and increase, Protestants will in some mysterious way be compelled to provide them with sustenance. Roman Catholics, on whose benighted heads

the *damnosa hereditas* of all these evils would fall, seem to contemplate the burden with a light heart ; and in whatever blind delusions they may be plunged, it is surely the duty of good Protestants to leave them as those that are sinning with open eyes. The suggestion that there would be a movement to establish and endow the Roman Catholic Church is not, I think, held even by the most rabid of Protestant politicians, though I have no doubt that for purposes of assuaging the Orange clamour it would be necessary to lay an express veto upon this in any Bill which might be introduced.

I believe that this fear of Home Rule on religious grounds would be nothing like as strong as it is in the North of Ireland were it not based upon something which touches everyday life in a much more personal fashion than the question whether you take your religion from Rome or from Geneva. I am very much afraid that the old maxim "A man hates those whom he has injured" plays a large part in the Protestant objection to Home Rule. For centuries Protestants have held the upper hand in Ireland. The ideal of Home Rule, for reasons that have a substantial basis of correctness, has been associated with Roman Catholic as opposed to Protestant Ireland, and now the Protestants simply cannot stomach the idea of seeing this aspiration crowned with achievement. It is as galling to their pride as it is undoubtedly destructive of that pernicious ascendancy which an English Government had placed in their hands, with the tacit assurance that its tenure was to last as long as there was a Protestant monarch on the throne. To put a mantle of decency upon this outraged pride, which he does not naturally care to parade in the open, the Protestant tells you that under an Irish Parliament all offices of profit will be awarded to Roman Catholics, that from the Speaker who will control the tempests of oratory at Stephen's Green to the charwoman who will clean out the smallest Petty Sessions court in the kingdom every

official will get his or her portfolio direct from the Vatican, and that the one qualification required of every applicant for a post will be a belief in transubstantiation and the infallibility of the Pope. This contention, fantastic as it is on the face of it, I have not overstated; but happily we are in possession of some statistics which go as far towards disproving it as any speculation on the events of the future may reasonably go. Under the Local Government Act of 1898 the Irish County Councils hold a large number of paid offices in their gift, and they are as unfettered in bestowing them as they would be under the most absolute system of Home Rule imaginable. Now, on these Boards there are certain counties where the Roman Catholics predominate and certain where the Protestants, and it is possible to enter on the uncongenial task of comparing the appointments made by the Roman Catholic and Protestant Boards respectively. In the Protestant counties of Armagh, Tyrone, Fermanagh, and Antrim I find that the proportion of Roman Catholic appointments never rises beyond 23 per cent., and in one instance falls as low as 6 per cent. The counties where Roman Catholics predominate on the Boards tell a different tale. In these I find that the percentage of Protestant appointments rises in one instance as high as 48 and never falls below 11, the latter being in the county of Mayo, where Protestants are nearly as scarce as snakes in Iceland. I may mention that in the Roman Catholic county of Sligo the Secretary of the Council, County Surveyor, and Legal Adviser—the three best paid positions under the Council—are held by Protestants. In Clare the Protestants hold all the best paid positions under the County Council, including the County Surveyor, three Assistant Surveyorships, Chief Clerk in the County Surveyor's office, and Secretary to the Council. I may state further that little more than a year ago, when the Recordership of Belfast fell vacant, a strongly worded resolution was framed by the Orange

Lodges of Belfast to the effect that no one but a Protestant should be appointed. No analogous resolution of a converse character has ever been formulated by the Roman Catholic citizens of Dublin. I might quote other instances to show the baselessness of the Protestant contention, but I leave these facts to speak for themselves.

II. *The Financial Objection.*

Let us come to another objection, which is being urged every day in Ulster, and which on its face carries a certain amount of plausibility. "You want to give Ireland the control of her own affairs," says the Ulsterman, "but Ireland at the present moment is financially bankrupt, as evidenced by the fact that she cannot pay her own way and has to get a subsidy from the Imperial Exchequer to enable her to carry on her existing establishment. If Ireland is to have self-government, are you prepared to undertake to raise by increased taxation the necessary money without the help of England, or is England willing to grant the subsidy when the control she possesses now has been removed?" At the last General Election there was not a Unionist placard in Ireland which did not bear upon it in flaming characters the words, "Home Rule means increased taxation and no old age pensions," and I know from practical experience that this fear wrought considerable damage at the polls. Until the financial arrangements of the Home Rule Bill itself are promulgated, it is obvious that this objection cannot be authoritatively answered. One thing, however, must be made clear to the Ulsterman when the Bill is introduced: that the Government of Ireland under Home Rule will not cost the Irishman any more than it does under the Union. That substantial economies can be effected in the Irish administration no one will deny, but these economies must be gradual; nor is it ever likely that it will be possible to run Ireland on the same scale of cheapness that has made Scotland

a model of administration. Unless, then, it can be demonstrated beyond all yea or nay that Home Rule is not to mean a farthing extra taxation on Ireland, it is obvious that Unionists have a very practical handle on which to hang their opposition, and they may be trusted to make the very best possible use of it. Let this objection be effectively met, and much of the reasonable opposition to Home Rule will disappear. Then, according to my Unionist friend, the fear of Home Rule is already affecting securities in Ulster and checking the investment of capital. Belfast Harbour Stock, Corporation Stock, Railway Stock, and Bank Stock have fallen; and while Belgium and Russia increased the number of their looms last year there has been no corresponding increase in the number in Ulster, although Irish linen has been in greater demand than that of Russia and Belgium. This again brings us back to the same point: that once the fear of increased taxation is allayed, this feeling of insecurity—which does to a certain extent exist, and is of course magnified to an enormous extent, just as every landowner who refuses a guinea subscription on account of the land clauses of the late Budget is proclaimed from shore to shore as the martyr to a ruinous and iniquitous system—is bound to be removed from the eyes of all reasonable men.

III. *Fears of Extravagance and discriminating Legislation harmful to Ulster Industries.*

Again, my Unionist friend fears that an Irish Parliament would necessarily be wanton in its expenditure of public money, and as evidence of this he points out that the municipal taxation of Dublin is more than 50 per cent. higher than Belfast, and the municipal taxation of Limerick is nearly double that of Belfast. But divergencies between the rates levied in different towns are just as noticeable in England as in Ireland, and a hundred and one local circumstances and conditions have to be considered before it can be said that

municipal expenditure and municipal government are an absolute criterion for forecasting parliamentary expenditure in the same country. Moreover, the idea that Irish County Councils are extravagant is sufficiently disproved by the quotations given from Government Reports in Mr. Glynn's chapter. A body of men responsible to their constituents, and subject to the heavy fire of criticism which will be directed upon them from the very moment of taking office, are not likely deliberately to plunge into measures of the wildest extravagance.

On the question of discriminative taxes against Protestants and the adverse effect which the power of the Roman Catholic Church might conceivably have upon manufacturing interests, the Unionist objections are still more inconclusive. We are told that in Spain no one can work because every other day is a saint's day, and it is forgotten that Belgium, one of the strongest Roman Catholic countries, is also one of the most hard-working and industrious. With regard to discriminative legislation, it is alleged that in the past Protestants were able to discriminate against Roman Catholics in Ireland, without injury to themselves, and there is nothing to prevent Roman Catholics taking a similar course in the future. To this my answer is, that the measures, such as the Penal Laws, by which Protestants undoubtedly crippled and thwarted the interests of Roman Catholics in Ireland in the past, were of such a revolting character that the most reactionary Parliament in Dublin dare not for a moment think of adopting them as a model.

Another stick which the Belfast manufacturer has cut to beat Home Rule with is the belief that an Irish Parliament would carry through a system of labour legislation somewhat similar to that which has been established in New Zealand, and that this would have an adverse effect in penalising the capitalists. This is a somewhat remarkable theory in view

of the suggestion from other quarters that an Irish Parliament would have strongly Conservative tendencies. I find, however, that the belief is widespread and firmly held in Belfast ; but seeing that most of the excellent legislation of this type which has been passed already has been due more than anything else to the pressure of the English Labour Party, I fail to see how the Irishman who objects to it imagines that he is going to be exempt from it when under the beneficent régime of the Union.

In conclusion, I can only repeat that I do not hold out any great hopes of converting Ulster : prejudice has the longest life of anything in the whole of God's creation ; but while Ulster may not be converted, we can at least point out to the rest of the world the baselessness upon which her fears are grounded, in the sure belief that after ten years of Home Rule Government these fears will prove themselves as visionary as the unsubstantial fabric of a nightmare.

CHAPTER XVI

PROPORTIONAL REPRESENTATION AND HOME RULE

By J. F. Williams

We are about to set up a new Parliament in Ireland. It is a process which our opponents regard with the greatest possible apprehension. They tell us that minorities, both religious and political, will be oppressed, though they are generally silent as to the manner and methods of such oppression. But undoubtedly this fear that the minority may be oppressed has been the most potent weapon against Home Rule. Had Ireland been a homogeneous country with no Unionist minority, probably Home Rule would have been carried a quarter of a century ago.

Now, in the past attempts were made to introduce some safeguard for minorities by means of an artificial and undemocratic arrangement of Parliament. Mr. Gladstone's Bill of 1886 proposed a system of two "orders" in one legislative body, of which one order might impose a temporary veto on the other. The Bill of 1893 proposed a Second Chamber to be called the Legislative Council, and to be elected by an electorate of £20 owners and occupiers, a solution inconceivable for a Liberal Government nowadays. Mr. Birrell's Irish Councils Bill proposed the nomination of Members by the British Government to represent minorities: this particular proposal probably contributed as much as anything else to the failure of the

Bill. Surely in a democratic society a minority of citizens should not need devices handed down from undemocratic ages as protections against their fellow-citizens. A minority ought to be able by their own action, and not by the interposition of some external power, to take their part in the commonwealth. Now, it is the great merit of proportional representation that, while safeguarding and assuring the rights of the majority, it opens freely the gates of Parliament to all considerable minorities.

I may remind the reader that the salient feature of the machinery of all systems of proportional representation is that they involve constituencies returning several Members ; only thus can you represent several opinions in proportion to their strength. On a system of single-Member constituencies the majority in each constituency alone obtains representation, and it is a matter of chance whether the minority gets an imperfect and indirect representation because a person in sympathy with them obtains election elsewhere. And, further, it is a matter of chance whether the majority of Members in fact represents a majority of electors. For instance, in the recent senatorial election in Australia, the Labour Party had a total majority of only 24,000 votes on a poll of about four millions, and yet they captured every single seat, a fact which makes the crushing defeat of their proposals on Referendum less surprising than at first sight would appear.

It may, however, be objected that if what is wanted is a safeguard for minorities, proportional representation is of no great value, because it leaves their representatives in a minority and therefore exposed to be overridden by the majority. But what I am now considering is not an attempt to prevent the majority from asserting their legitimate will, but rather to see that before they do so they will be forced to a discussion with the freely elected representatives of the minority, whose wishes and aspirations will not have been silenced by an unjust system of representation.

All believers in government by discussion will recognise the enormous advantage which results from having every strain of opinion represented in the assembly where the discussion takes place.

What are the main streams of opinion at present existing in Ireland? The question is not easy to answer. The parliamentary representation of Ireland does not supply us with an answer, not merely because it has the usual defects of majority representation, but also because the peculiar position of Ireland has made necessary a more than usually stringent discipline in the ranks of the Irish parliamentary party. Indeed, one of the curses of British rule has been the prevention of the free development of Irish opinion in political and other directions. Everything has been subordinated to the struggle for national recognition. But at the present time a tentative classification may perhaps be made as follows :—

There are, first, the official Nationalists. At the last General Election they obtained 76 seats.

Next, the Unionists, who obtained 17 seats, not including Dublin University.

Lastly, Mr. O'Brien's following of Independent Nationalists, who obtained 8 seats.

All these three parties have representation. In addition there was a considerable Liberal minority, which polled in Ulster alone about 20,000 votes and obtained no representation. Further, the more moderate type of Unionism is totally unrepresented at the present time. The same is also true of the more extreme Nationalist movement which is organised under the name of Sinn Fein.

To prepare an *exact* table showing what would be the results of the introduction of proportional representation into Ireland is impossible. Much would depend upon the size of the constituencies, for the larger the constituencies are made and the more Members they return the easier it is for the smaller and more scattered minorities to get representation.

Further, it is totally impossible to predict what the development of Irish politics will be under a system of freedom. I have, however, tables [1] which show that if only the parties which now get representation were considered, and if (a large assumption) mathematical accuracy were reached, the official Nationalists would have 61 Members instead of 76 as at present, the Unionists 24 instead of 17, and the O'Brienites 16 instead of 8. But this is on the present basis of 101 popularly elected Members. I believe, however, that Mr. Redmond would prefer that the Irish House of Commons should contain a larger number of Members, in which case these numbers would be proportionally increased and the chances of minorities obtaining representation proportionally improved.

If with the present electorate a population of 30,000 is treated as entitled to one Member, we should have a House of Commons of 150 Members. Dublin City would return 8 Members, Dublin County 5, Belfast 11, Cork City 3, and Cork County 10. Let no one be startled at the size of these numbers ; In Belgium, Brussels, acting as a single constituency, returns 21 Members, and secures an admirably constituted representation. It would not be difficult to form single constituencies of the large counties ; Donegal would have 5 Members, Galway 7, while some of the smaller counties such as Carlow and Longford might be grouped with adjacent areas. In no case should any area return less than 3 Members. But the exact number of representatives that each party would obtain cannot be predicted ; it cannot even be predicted what parties will emerge under the new conditions ; but this at any rate may be said—first, that the Nationalists are assured of a handsome majority, and next, that every considerable strain of opinion, whether Unionist, Liberal, Protestant, Catholic, or Secularist, would be assured of the representation that is its due. All over Ireland,

[1] The Proportional Representation Society (176, St. Stephen's House, Westminster Bridge) will furnish the tables on application.

and particularly in the three cities of Dublin, Belfast, and Cork, a whole new political life would be created, as opportunities for speech and development were put into the hands of every mass of politically-minded citizens.[1]

It will, however, be said that proportional representation is not needed in Ireland to give representation to the north-east part of Ulster. This is true. At present, strangely enough, the geographical position of Ulster is such that within that province Unionists and Nationalists each get the exact proportion of Members to which they are entitled—the Unionists 17 and the Nationalists 16. But all Irish Unionists are not concentrated in north-east Ulster. On a proportional system there ought to be several Unionist Members from Leinster and a Unionist might be elected in Cork, and it is precisely these elements of non-Ulster Unionism which tend to be more moderate and less alarmist owing to their long association with the Nationalist majorities which surround them ; such elements wise statesmanship should seek to encourage in the new House of Commons. Nor would this mitigation of the Orange character of Unionist representatives be confined to Leinster and Munster. In north-east Ulster at the present time the more moderate type of Unionism has no chance of expression. Where there is only a single Member to be returned a party has to put up the candidate most acceptable to the majority within its ranks, and the other sections of the party have to fall into line. With proportional representation it is otherwise. Party lists have to be composed so as to attract the support of all sections ; it is surely permissible to hope that in this regard proportional representation would break the strength of extreme and intolerant forms of political opinion.

In truth, although to the practical politician proportional representation for Ireland may be attractive

[1] See table at end of this Chapter.

chiefly as a safeguard for minorities, its larger and wider implications must be kept in view. A new constitutional edifice is being erected: let us see that it is the best that can be had. The representation of every interest is the indispensable preliminary to democracy: let us have the courage to build the best we know in the construction of democratic Constitutions.

I ought to notice the application to Ireland of the main argument usually urged against proportional representation. One is told that the system would mean the substitution for the two great parties of a number of discordant groups and that stable government would become impossible. For myself I do not believe a word of this theory. Parliamentary groups exist in most European countries, but not as the product of proportional representation. But, be this as it may, the dangers to be feared from instability of administration are surely less in a subordinate Parliament, such as the Irish, than in a sovereign Parliament such as that of the United Kingdom. External dangers are the phenomena which make most strongly for the necessity of a stable government in a sovereign assembly; where these dangers are removed there is less to be feared from the greater freedom of Members in regard to party discipline. In fact, there is no real reason why the present British parliamentary convention which makes it necessary for a Government to have a majority on any and every detail of their policy should be transplanted into Ireland.

Nor would the introduction of proportional representation into Ireland be a plunge into the unknown. On the contrary, there are many precedents which would lead us to hope that its application in a country of about the size of Ireland and in Irish conditions would be attended with good results. Among the European countries which have hitherto adopted proportional representation are Finland, Sweden, Wurtemberg, about half the Swiss cantons, and Belgium. The example of the last named is peculiarly apposite. Proportional

representation was introduced into Belgium in the year 1899 for parliamentary elections. At that time the relations between the Flemish and the Walloon provinces were anything but good. The Flemish provinces were, on the whole, agricultural, Catholic, and reactionary, while the Walloon districts were on the whole Liberal and Socialist, both in politics and religion. Under the majority system, theretofore in force, the Flemish districts were solidly Catholic in representation, the Walloon districts solidly Progressive. The introduction of proportional representation resulted in the return of a certain number of Liberals and Socialists in the Flemish provinces and of Catholics in the Walloon districts. This has had the effect of mitigating the hostility between the two races by making it clear to them that their divisions were not so fundamental as a false system of representation led them to imagine, and that in what formerly appeared an irreconcilably hostile population a man might find many who sympathised with his own political views. The same result would be assisted by proportional representation in Ireland. The falsity of those electoral maps which colour whole districts according to majorities would become apparent, and even north-east Ulster would feel that she was not so profoundly isolated as she now seems to be from the remainder of Irish life.

Lord Courtney of Penwith has made two appeals to Ireland on behalf of the idea, first in a letter which appeared in the *Freeman* on January 14, 1911, and secondly in a speech delivered in Dublin at a meeting held on April 20th ; and Irish opinion has been more cordial than one might have ventured to hope. Mr. Redmond's attitude is apparently that he is willing to hold the door open to any solution of the problem of representation which may convince English opinion that the Nationalists are sincerely anxious to do justice to every section of the community. Further he wishes the fullest possible representation of all classes and strains of opinion. He only hints a doubt whether proportional

representation produces such a result. But if it does not, what system does? Let Mr. Redmond say. Of the minority parties the Liberals, headed by Mr. T. W. Russell, and those who look to Sir Horace Plunkett as leader, may be counted as favourable, and efforts are being made to organise a demonstration of this opinion. The main opposition seems to come from the extreme Orange Party, partly, I believe, because they decline to consider with what sauce they are to be cooked. Of the Press it may be said that the *Freeman's Journal*, the *Irish Independent*, and the *Mid Ulster Mail* are, on the whole, favourable, while the *Dublin Express* is strongly and the *Irish Times* mildly opposed. A Provisional Committee is being formed in Dublin to forward the idea, under the presidency of Sir Horace Plunkett.

To sum up. I submit :—

(*a*) That it is peculiarly necessary that the Irish Parliament should give every proper representation to minorities.

(*b*) That the only way in which this can be done is by the introduction of a system of proportional representation, fair to majority and minority alike.

(*c*) That such a system is to be found in the Single Transferable Vote with constituencies returning from eleven to three Members apiece.

(*d*) That the most powerful argument against proportional representation has little or no application in Irish conditions.

(*e*) That examples abroad point to the success of a proportional system in mitigating animosities and producing a truly representative national assembly.

(*f*) That Irishmen are at the present time well disposed towards this solution.

A POSSIBLE REDISTRIBUTION OF IRISH SEATS WITH PROPORTIONAL REPRESENTATION, AND A HOUSE OF COMMONS OF 150 MEMBERS. (See p. 191.)

Constituencies.		Electorate 1911, per 1000.	Seats in proportion to Electorate.	Estimate of Seats won under Pro. Rep.	
				U.	H.R.
Ulster (55 Members)	Antrim	33·3	7	5	2
	Belfast	50·3	11	7	4
	Down...	33·7	7	4	3
	Armagh and Newry ...	22·9	5	3	2
	Derry City and County ...	22·7	5	3	2
	Donegal	25·6	5	1	4
	Tyrone	26·0	6	3	3
	Monaghan and Fermanagh	23·5	5	2	3
	Cavan...	17·7	4	1	3
Leinster (38 Members)	Louth and Meath	21·5	5	–	5
	Dublin County	23·4	5	2	3
	Dublin City	36·5	8	3	5
	Longford and Westmeath...	19·0	4	–	4
	Kildare and Wicklow ...	19·2	4	–	4
	Wexford	17·8	4	–	4
	Kilkenny City and County and Carlow	17·6	4	–	4
	King's County and Queen's County	18·3	4	–	4
Munster (34 Members)	Waterford City and County and Tipperary County ...	33·0	7	–	7
	Cork County...	45·6	10	1	9
	Cork City	16·1	3	–	3
	Limerick City and County...	21·3	5	–	5
	Clare	17·7	4	–	4
	Kerry	23·4	5	–	5
Connaught (23 Members)	Sligo and Leitrim North ...	21·1	4	–	4
	Roscommon and Leitrim South	22·6	5	–	5
	Mayo	31·0	7	–	7
	Galway City and County ...	30·6	7	–	7
	Totals	691·4	150	35	115

These figures are based in every case on the result of the last contested election. In most districts in Munster and Connaught, and for some parts of Leinster, no more recent figures than those of 1885 are available. It is obvious that in these conditions the above estimate of the seats to be won under a proportional system is largely conjectural. Further, any such estimate makes no allowance for the changed political conditions resulting from the introduction of proportional representation.

CHAPTER XVII

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